

APPROVED
DPC meeting 3/12
23/2/12

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 3rd meeting of 2012 of the Development and Planning Commission held at the Charles Hunt room, John Mackintosh Hall, on 23rd February 2012 at 09.30 am.

Present: The 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 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*)

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

 Mrs J Howitt (JH)
 (*Environmental Safety Group*)

In Attendance: Mr P Naughton-Rumbo (Executive Officer) (DTP)
 (*Deputy Town Planner*)

 Mr E Francis
 (*Secretary*)

Apologies Mr J Purser (JP)
 (*Defence Land Agent, Rep Commander British Forces*)

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Presentation

111/12 - BA11849 - Container Berth, North Mole –Proposed Tank Farm. EIA Screening.

The Commission welcomed Mr Daniel Pasc, on behalf of the applicants, and invited him to address the Commission.

Mr Pasc gave a presentation on the proposed tank farm. He highlighted that the storage facilities would be for marine lubricants which under EU criteria were considered non-flammable and not classified as dangerous. He explained that due to its requirements and the facilities provided by the current tank farm, BP would consider transferring to the Port of Algeciras if this new facility were not to go ahead. He added that should this happen the knock on effect would be felt by many sectors examples of these were loss of employment, increased fuel costs and fewer ship calls.

Mr Pasc said that this industry was heavily regulated and the proposed farm would be built in accordance with HSE specification HSG176 which was for the storage of flammable liquids therefore this would by far exceed the safety requirements for the storage of non-flammable liquids. The facility would also incorporate operating and environmental safety systems which are currently non-existent at the current facility. The proposed farm comprising of 16 purpose built storage tanks would also be enclosed within an impermeable containment bund.

Mr Pasc informed the Commission that as it was the intention of BP to relocate its services to the proposed farm this would mean that the current volume of road tankers and barges would remain the same.

Mr Pasc said that the EIA screening, carried out by Gifford's in consultation with local agencies and organisations, had been concluded. He highlighted that the screening stated that the nature, scale and location of the proposed tank farm would not be of significant impact. He added that there would be an improvement on air emissions and would reduce the impact on the ecological environment.

KB pointed out that Mr Pasc had said that marine lubricants were classified as non-flammable, he asked Mr Pasc if in fact they were flammable.

Mr Pasc explained that they were flammable but in reality were very hard to ignite.

KB pointed out that when Mr Pasc had said that the farm would not be harmful to the environment he meant the use and not if a spillage were to occur.

Mr Pasc said that the site would be enclosed by a bund which would offer protection in the event of a spillage.

JH asked if the old facility was closing.

Mr Pasc responded that the old farm was not closing. He explained that due to BP's safety requirement BP would relocate to the proposed farm.

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JH stated that this meant that in effect both could be operational if a new supplier were to use the current farm, thereby doubling the risk.

MR Pasc said that this would be unlikely as both local suppliers would be using the new proposed farm.

MOE asked if the bund wall was built to meet a containment of 110%.

Mr Pasc said that the bund wall requirement for smaller individual tanks was only 25% containment, the proposed bund wall would comply with that requirement.

DCM asked for details as to the EU criteria which Mr Pasc had referred to.

MR Pasc stated that this regulation 2001/58 EC which governs the data safety sheet.

The Chairman asked how the farm would be managed, in the event of a spillage, as there appeared to be no office accommodation within the farm footprint.

Mr Pasc explained that the tank farm administration area would be located within the adjacent MH Bland warehouse. He added that there was provision for 24 hour surveillance and all staff were trained in spillage procedures.

JH asked whether enough consideration had been given to the local environment, taking into account the recent incident at the sullage plant and the adjacent desalination plant water intake.

Mr Pasc explained that sullage was considered highly flammable and a spark could ignite its fumes. Marine Lubricants could only ignite on reaching a temperature of 195 degrees. He added that the intake had been taken into account and assured the Commission that they would address all issues and concerns raised by the Development & Planning Commission.

The Chairman explained that the full EIA screening report had been submitted to the Town Planner. This had been circulated to the relevant GOG departments, agencies and other organisations. The Town Planner would report back on the screening once all feedback and comments had been submitted.

The Commission thanked Mr Pasc.

The ESG submitted a summary of concerns to the DPC members for consideration regarding the new Farm.

112/12 - BA11964 – Outline - 3 Lighthouse Cottages, Europa Point – Proposed 2 storey rear extension.

The Commission welcomed Ms R Faller and invited her to address the Commission.

Ms Faller explained that the extension was required in order to meet an increase in family requirements. She explained that the property comprised a separate rear outhouse which she

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intended to build over and join to the main building. She said that as a conservationist herself she wanted it to look as if it was part of the building. She stressed that where possible she would be using original or recycled materials.

CAM asked Ms Faller whether this alteration would have an effect on the feel and character of the property.

Ms Faller replied that the property had already had alterations during the 60's & 70's which had affected the character of the building.

The Chairman asked whether it was intended to demolish the outhouse.

Ms Faller said that the outhouse would not be demolished.

The Commission thanked Ms Faller.

Approval of Minutes

113/12 - Approval of the Minutes of the 2nd Meeting held on the 10th February 2012.

The Commission approved the Minutes of the 2nd meeting of 2012 held on 10th February 2012 subject to the following amendments (in bold).

Minute 67/12 (page 5) – Last Paragraph

JMC explained that entitlement of right to light can only be (*replace*) **considered with acquired** by prescription or grant however he felt that if it was obvious (*include*) **that such a right existed**, DPC would have to give it consideration.

Minute 82/12 (page 9) 3rd & 4th paragraphs

CAM pointed out that instead of demolishing the (*replace*) **garages with garage** owned by the owner and located at the entrance to the ramp these could be used.

JMC responded that the (*replace*) **garages with garage** at Lancashire Hse are too small and have never been used.

Minute 89/12 (page 11) 3rd paragraph

Replace 3rd paragraph:

CAM said that although there was no heritage value she was not happy with the proposed architectural design.

with:

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CAM said that the heritage value of the building was in its vernacular architecture. The Trust was not happy with the proposed modern design as it did not blend in with the historic surroundings and architecture of Loquat House, St Stephens, The Elms and New Mole House and therefore could not approve.

Matters Arising

114/12 - BA11867 - 3/5 Charles V Ramp – Proposed additional storey. Full application following grant of outline permission.

DTP informed the Commission that at a site meeting the issue of the ownership of the wall had been raised. This had now been clarified and the wall belongs to the applicant so he would be building within his area.

DTP said that the planning recommendation is to approve as the proposal follows that which was approved at outline.

MOE asked whether the neighbour had withdrawn his objections. DTP replied that he had not .

JMC asked whether the proposed additional storey was to be as kept within the family unit or as an additional unit.

DTP said that his understanding was that it was a separate unit for possible sale or rent/lease.

MOE pointed out that any new extensions must meet the required energy saving standards.

The Chairman said that this was requested as a condition.

DTP said that the applicant had offered to remove the windows overlooking the neighbour's patio.

The Commission approved this application subject to the windows being fixed and opaque.

115/12 - BA11870 - Mumtaz, 20 Cornwall's Lane – Proposed retractable awning

This application was carried forward pending receipt of the applicant's response

116/12 - BA11891 – Outline - 1C/1 Maida Vale, Engineer Road – Proposed Outline application refurbishment & extension to terraced house.

DTP reminded the Commission that MG had expressed concern on the issue of the ownership and access to the retaining wall.

MG said that the ownership of the wall has yet to be determined and confirmation is required from Technical Services that this wall does not support the road. MG added that should this be confirmed and a 3 to 5m access is allowed then he would withdraw his objection.

JMC agreed with MG but suggested that GOG should obtain an indemnity.

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The Commission discussed the objections raised by the neighbour but on balance did not consider that they justified a refusal.

The Chairman requested that the DTP and Technical Services meet with the applicant on the issue of the retaining wall. The applicant should also provide proof of ownership.

116/12 - BA11924 - GibOil Yacht Petrol Terminal, Waterport Wharf – Proposed refurbishment and extension to shop.

DTP explained that comments had been received from the Port Authority stating that there should be no access from the water to the land side. DTP added that a letter had been received from GibOil on this matter which had been circulated to members. This had been referred to the Captain of the Port who maintained the view that a physical barrier would improve the current situation. The Commission agreed to obtain comments from the RGP and HM Immigration

This application was carried forward.

117/12 - BA11931 - Sunrise View House, Eastern Beach Road – Proposed antennae and dishes for Eazitelecom.

DCM declared an interest as Chairman of Gibtelecom and withdrew from participating in the consideration of this application.

DTP explained that he had been informed that radio waves produce no health issues. Microwaves have the potential to raise health issues and should be directed away from residential areas. It has been confirmed by the applicant that due to communication/operational reasons this would be the only possible location.

The Chairman asked whether the adjacent resident had been informed of the proposal.

DTP said that both the applicant and the management company had been informed.

JH said that she had met with the GRA and had been advised that with the onset of digital systems there was a high possibility of an increase in operators. JH said that she would like to meet with the Town Planners in order to discuss the possibility of establishing criteria for applications of this nature instead of having to consider on a case by case basis.

JMC asked whether there had been written confirmation from the adjacent resident.

DTP explained that no comment had been received.

JMC suggested that the resident be contacted and asked to submit written confirmation of his approval.

JH asked why the dishes were being erected on buildings and not on masts away from residential areas.

The Chairman said that possibly due to costs and land issues.

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Discussion ensued as to the pros and cons of masts.

MOE said that the two issues were the application which he felt required written confirmation from the adjacent resident and the issue of the proliferation of dishes on sites. He suggested that the Town Planner meet with the GRA to discuss this.

JH said that she objected to this application on the grounds that the dish was being erected in a residential area.

The Commission approved this application subject to submission of written confirmation by the adjacent resident.

118/12 - BA11947 - 2002 Garden Mews, Ocean Village – Proposed conversion of two apartments into one.

DTP reported that following discussions with CFB it had been accepted that the external fire escape was not required.

The Commission approved the application with the exclusion of the external fire escape.

119/12 – Ref - 1198/014/11 - Lions FC, 43A Queensway – Proposed sign

The Commission were informed that GOG were still giving consideration to the Wellington Front scheme, although signs would probably be as in Chatham Counterguard as this had worked well.

DTP suggested that the applicant use the Chatham Counterguard sign design.

The Commission approved this application subject to the sign being of the same design as at Chatham Counterguard and on condition that the applicant agrees to change it if the GOG scheme uses a different design.

Major Developments

120/12 - BA11849 - Container Berth, North Mole –Proposed Tank Farm

This application was carried forward pending submission of feedback on the EIA screening process.

Other Developments

121/12 - BA10925 - 1A Cumberland Road – Proposed redevelopment as two apartments and garages.

DTP explained that this scheme had previously been rejected by the Commission. However this had been approved on appeal. The previous Government as landlords had subsequently met with the applicant who agreed to submit a revised scheme because the previous Government was not approving the application as accepted by the Tribunal. Although the DPC is required to abide by the Tribunal's decision the Government as landlords is not. DTP said that the Commission could not reject the principle to develop but could address issues of architectural design.

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JMC informed the Commission that GOG is considering this area holistically as it is yet undecided on its use.

JMC pointed out that irrespective to what is agreed by DPC, GOG as landlord can withhold consent.

The Commission approved this application subject to the applicant reviewing the design of the roof area.

122/12 - BA11699 - CP1136/7 House 7, 1 South Pavilion Road – Proposed conversion of grassed area to terraced area incorporating tub/spa.

DTP informed the Commission that the applicant had addressed the concerns raised by the Commission and had submitted revised plans.

JMC said that the head lease identifies this area as common area, although the estate management has a scheme to sub-divide it amongst the separate households.

JH said that this would signify the loss of a green area for the area.

MOE suggested that the applicant be conditioned to have a garden with a tub/spa at the end instead of decking.

The Commission approved this application subject to a tree assessment being undertaken and the condition that the applicant has a garden instead of decking and that the concrete base for the tube kept to the necessary minimum.

123/12 - BA11736 - FP1052/1053, 4 Cumberland Steps – Proposed refurbishment and alteration and new apartment floor.

DTP explained that permission had already been granted for an additional storey comprising a mansard roof. The applicant had now submitted revised plans for a smaller scheme comprising two additional units.

CAM said that the proposal was not in-keeping with the character of the building and the area.

The Commission instructed Town Planning to request a photomontage and for the applicant to revise the proposal in respect of the spiral staircase that was being proposed on the front of the mansard. .

124/12 - BA11744 - 3 Transport Lane – Proposed extension.

DTP informed the Commission that the applicant was not in agreement with the proposals suggested by DPC and had stated that he would continue with the application in its current form.

CAM stated that she did not consider that the proposal was in keeping.

The Commission rejected this application as it was out of character with the building and streetscape.

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125/12 - BA11925 – Outline - 14 Mount Road – Proposed demolition of existing house and construction of two houses.

DTP briefed the Commission on the proposed development of two houses at this site. He highlighted that objections had been received in respect of possible noise pollution, massing and loss of trees.

DTP said that on planning grounds there was no objections to the contemporary style particularly as the area displayed a variety of different architectural styles. He added that the effect caused by the height of the building will be reduced as one ascends Bella Vista Road due to the sloping area.

MOE requested that the application be circulated to the Department of Environment as he is concerned with the loss of trees. MOE added that the rear of this site currently enjoys an old colonial type lane, this he feels would be lost due to the massing caused by this proposal.

CAM and DCM agreed with MOE.

CV requested that the applicant submit a photomontage showing the development and the surrounding area.

MG explained that the proposed development was denser than the current building; this he added would cause problems on the retaining wall which would need to be addressed.

The Chairman requested to see a true architectural impression as the one submitted had blanked off all the existing landscape.

This application was carried forward and the applicant would be requested to reduce the scaling and massing and to submit a photomontage in context with the existing.

126/12 - BA11945 - 19/9 Halifax Road – Proposed change of use from store to steel fabrication workshop.

The Commission approved this application subject to the applicant being conditioned to improving the façade.

127/12 - BA11954 - 25 Witham's Road – Proposed stone cladding to base of façade.

This application was carried forward as the applicant had not paid.

128/12 - BA11959 - South entrance, Ocean Village – Proposed landscaping

The Commission approved this application subject to the exclusion of the planters in the narrow part of the footpath.

129/12 - BA11964 – Outline - 3 Lighthouse Cottages, Europa Point – Proposed 2 storey rear extension.

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DTP informed the Commission that an objection to this proposal had been received from the Ministry for Heritage. The objection was on the grounds that the proposal would have an impact on the view of the cottages from the sea, the symmetry of the building would be affected and the stone building would be lost as a result of it being covered up.

DTP explained that from a planning point of view other extensions had been added to the cottages.

CAM was concerned that the increase in massing and the possibility of further extensions would result in the loss of character of the cottages.

The Chairman said that he was concerned that the roof height exceeded the parapet wall.

After much deliberations, the Commission approved this application subject to the roof ridge not exceeding the adjacent parapet wall.

130/12 - BA11966 - FP 292, Flat 6. 1 College Lane – Proposed alterations to roof.

DTP explained that the applicant proposed to include dormer windows on the increased height of the reconstructed traditional roof.

CAM said that the introduction of dormer windows was not in-keeping with the streetscape of Main Street. She said that she would rather the applicant introduce Velux type windows.

CV agreed with CAM but added that that the windows are in line with the windows below.

JMC said that he did not agree with CAM and CV and would rather have dormer windows.

The Commission requested that the applicant submit a photo-montage to appreciate the visual impact on the streetscape.

This application was carried forward.

131/12 - BA11968 - 6B Gardiner's Road – Proposed extension of terrace deck to rear garden.

The Commission approved this application.

132/12 - BA11969 - 20A Engineer Lane – Proposed change of use from shop to café and signs.

JH asked whether this would cause inconvenience to the residents living above the premises.

DTP said that no objections had been received from them and the application had complied with section 19 of the Town Planning Act. Notwithstanding the Environmental Agency conditions the applicant with regards to emissions.

The Commission approved the change of use.

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133/12 - BA11970 - Mount Pleasant, South Barrack Road – Proposed internal alterations, conversion of window to door and external lifting platforms.

DCM declared an interest as Chairman of Gibtelecom and withdrew from participating in the consideration of this application.

The Commission approved this application.

134/12 - BA11971 - Natwest House, Line Wall Road – Proposed replacement of windows.

The Commission approved this application. The applicant would have to adhere to energy saving regulations.

135/12 - BA11972 – Demolition - 21/23 Halifax Road – Proposed demolition of roof structure.

The Commission approved this application subject to the applicant painting the boundary wall.

136/12 - BA11973 - Buena Vista, 40 Europa Road – Proposed conversion of existing Community Projects Building into temporary show home/sales office.

The Commission approved this application.

137/12 - BA11975 - John Mackintosh Square – Proposed installation of K6 phone booth.

DCM declared an interest as Chairman of Gibtelecom and withdrew from participating in the consideration of this application.

The Commission approved the installation of the K9 booth on the site adjacent to the City Hall as it was considered the most favourable for the submissions.

138/12 - BA11977 - 11 Cooperage Lane – Proposed alterations to signage, external air condition units, replacement door and canopy.

The Commission approved this application that had been stopped because they had commenced without permission.

139/12 - BA11978 - 12.2 Journey's End. Naval Hospital Hill – Proposed removal of existing balconies and construction of decked terrace.

The Commission approved this application.

140/12 - BA11979 - North Entrance, Ocean Village – Proposed access road (controlled access), surface treatment and landscaping.

This application was carried forward on the applicant's request in order to allow him time to reply to an objection received days before the meeting.

141/12 - BA11980 - 254 Main Street – Proposed internal alterations to shop and new shop front and signage.

The Commission approved this application.

142/12 - BA11981 - 12/1 Castle Steps – Proposed new access stairs and housing to roof terrace.

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The Commission approved this application.

143/12 - BA11984 - Unit 3.0.1, 1 Candytuft House, Waterport Terraces – Proposed fit out of office premises and frontage.

The Commission approved this application.

144/12 - BA11986 - 87-89 Main Street – Proposed new shop front.

The Commission approved this application.

145/12 - BA11988 - CP1244, 33b Wellington Cottage – Proposed construction of path and car port.

MOE said he was not convinced that this proposal would not result in the loss of trees as there were trees in the area of the proposed carport. He informed the Commission that there was an adjacent unauthorised car port which had resulted in the loss of trees. He suggested that a tree assessment be carried out.

MOE asked whether the applicant would relinquish his existing garage.

The Chairman said that the applicant would retain the garage. He added that the applicant had an alternative application for a proposal on the southern side which is currently held on appeal as the applicant is asking for 1.5m wide strip of land which would encroach on his neighbour's garden. DTP added that even if the appeal were approved but the neighbour refused then the applicant would not be able to continue.

The Commission deferred this application until a tree assessment is undertaken.

146/12 - BA11990 - CP1453 16/4 Halifax Road – proposed additional storey to workshop.

The Commission approved this application.

147/12 - BA12001 - Engineer Road, Maida Vale – Proposed demolition of existing concrete structures.

DTP explained that the proposed building and the rock catchment fence required the removal of trees.

KB said that before approving he would wish to know what were the species that required removal. He added that he had no problem with the removal of olive scrub.

DTP said that the applicant had identified the trees not the species. He suggested that the Department of Environment carry out a tree survey.

MOE said that nettle trees outside the area would offer natural rock protection. He said that the fence could be designed to include trees.

JH advised that during the Clean Up clean ups at the site it had been highlighted as a critical hotspot with large volumes of mixed waste and urged for utmost care in removal. Applicant was present and assured that every care was being taken in this regard.

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The Commission approved the demolition of the existing concrete structures on condition that a proper disposal of waste is undertaken and only trees on the building footprint are removed.

Minor Works – not within scope of delegated powers

148/12 - BA11962 - 6 Benzimra's Alley – Proposed installation of lift.

The Commission approved this application.

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

149/12 – Ref 1198/005/12 - Gibraltar Tourist Board: New Signs at Europa Point Tourist office.

The Commission noted the approval granted to this application by the sub-committee.

150/12 – Ref 1198/004/12 - Gibraltar Tourist Board: New Signs at Casemates Tourist office.

The Commission noted the approval granted to this application by the sub-committee.

151/12 – Ref 1198/003/12 - 107 Main Street – Proposed new shop sign.

The Commission noted the approval granted to this application by the sub-committee.

152/12 - BA11907 - 4th Floor Leisure Island Ocean Village: Proposed fitting out of offices and external A/C's.

The Commission noted the approval granted to this application by the sub-committee.

153/12 - BA11939 - 135 Peninsular Heights – Proposed glass screens.

The Commission noted the approval granted to this application by the sub-committee.

154/12 - BA11961 - Burger King, Casemates Square - Internal alterations to first floor

The Commission noted the approval granted to this application by the sub-committee.

155 - BA11974 - 1/4 King Street – Proposed internal alterations to residential unit.

The Commission noted the approval granted to this application by the sub-committee.

156/12 - BA11976 - 4A Rulander, Vineyard Estate – Proposed internal alterations to residential unit and new double glazed windows same design.

The Commission noted the approval granted to this application by the sub-committee.

157/12 - BA11983 - 104 Peninsular Heights – Proposed glass screens

The Commission noted the approval granted to this application by the sub-committee.

158/12 - BA11985 - 607 Nelson's View – Proposed internal alterations.

The Commission noted the approval granted to this application by the sub-committee.

159/12 - BA11987 - 334 Watergardens – Proposed internal alterations

The Commission noted the approval granted to this application by the sub-committee.

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160/12 - BA11994 - 101 Bayview Terrace, Rosia Road - Proposed internal alterations

The Commission noted the approval granted to this application by the sub-committee.

161/12 - BA11995 - 5A/7 Rodger's Road - Proposed internal alterations.

The Commission noted the approval granted to this application by the sub-committee.

162/12 - BA11998 - 2nd Floor Regal House – Proposed office changes and externally mounted screened air condition units.

The Commission noted the approval granted to this application by the sub-committee.

Any Other Business

163/12 – Moorish Castle Playground – (GOG Project)

GM tabled some drawings in respect of the proposed children's playground at Moorish Castle Estate. This was noted by the Commission.

164/12 – Next Meeting

The Committee agreed to next meet on 28th March 2012.