

APPROVED

DPC meeting 6/12

24/5/12

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 6th Meeting of 2012 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 24th May 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 C Viagas (CV)
(Heritage & Cultural Agency)

 - Mr R Labrador (RL)
(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 K De Los Santos
(Land Property Services Ltd)
- Apologies:
- Mr J Collado (JC)
(Land Property Services Ltd)
 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)
 - Mr M Birchall (JP)
(Defence Land Agent, Rep Commander British Forces)

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Approval of Minutes

272/12 - Approval of the Minutes of the 5th Meeting held on the 26th April 2012.

The Commission approved the Minutes of the 5th Meeting held on the 26th April 2012.

Presentation

273/12 - BA12035 - Roof terraces, Sails 1 and 2, Ocean Village – Proposed conversion of terrace Sail 1 into restaurant and Sail 2 into yacht-related office.

The Commission welcomed Mr Shawn Sullivan (SS) on behalf of the applicant.

SS informed the Commission that interest had already been expressed for the use of the proposed terraces in Sails 1 & 2. He explained that there was interest to convert one of the units into a restaurant and the other was being considered for use as an office for a yacht related business entity.

SS said that currently these terraces are hardly used and when they are their use generates noise and lack of privacy complaints, from the tenants of opposite residential units. The noise problem would be overcome with the enclosing of the terrace. SS added that the lack of privacy or intrusion issue would also be overcome as the additional storeys have been designed to avoid views that would intrude as being complained

SS confirmed that the height would not exceed the height of the existing roof top pergola and that the design was sympathetic to the original design.

The Commission had no questions.

274/12 - BA12037 - Ex-Key Transport site, Ocean Village – Proposed 3-storey office building with retail or office on ground floor.

The Commission welcomed Sean Sullivan (SS) on behalf of the applicants.

SS explained that the plans had been revised in order to address the concerns raised by the Commission. He highlighted that the stairwell had been relocated. He added that more glazing had been introduced on the Waterport Road façade.

TP asked why the full glazing was not continued throughout all the façade. SS replied that this was not possible due to manufacturing and structural specifications. TP suggested that the façades could be swapped around to give more prominence to the southern façade onto Waterport Road that is the main entrance. SS suggested that another option would be for the glazing to be continued along 40% of the Waterport façade.

MEH enquired as to where the bins would be located.

SS stated that the bin stores would be located in the adjacent Ocean Village car park. Parking and bicycle parking would also be located in this area.

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There being no questions from the Commission the Chairman thanked SS.

275/12 - BA12054 - Penthouse Floor, Atlantic Suites – Proposed change of use residential to office.

The Commission welcomed Mr Albert Isola (AI) on behalf of the applicants.

AI explained to the Commission that the applicant agreed with the Commission's policy of resisting the loss of residential units for commercial use. However he stated that this application differed to that scenario. He explained that this unit had been intended as the area in which to locate the plant and machinery for the originally proposed hotel. AI added that in an agreement with Government the developers of Europort had agreed to expand the cooling plant to include the hospital in exchange for Government approval to a change of use to mixed use i.e. residential/ commercial. AI highlighted the fact that Atlantic Suites already accommodated mixed uses and there was no complaints from either the residential or the commercial tenants and neither had there been any objection to the proposed application.

AI questioned whether the existing unit was actually genuine housing stock as it had never been used as such nor completed. Part of the area forming the application was currently used for plant and that this would be reconfigured to allow for the new use.

There being no questions from the Commission the Chairman thanked AI.

276/12 - BA11849-Container Berth, North Mole – Proposed tank farm.

The Commission welcomed Mr David Dumas (DD) on behalf of the objectors.

DD addressed the Commission and briefly analysed the role of the DPC, the procedure to be followed by the Commission in the grant & refusal of permits.

DD highlighted his client's objections to the proposed development which were as follows:-

- Overcrowded and multi-use of jetty and other incompatible activities
- Fire hazard – as other activities could provide ignition catalyst
- Proximity to desalination plant water entry point
- Difficulty in containing spill or fighting fire due to restricted access
- Need to seal jetty's porous surface
- Reduction of cargo handling capability
- Applicant has no licence to import.

DD added that Blands, during its presentation, had not dealt with key issues, had provided erroneous facts and ill-founded opinions and predictions. DD gave examples of and counter arguments to several of the points raised during Blands presentation.

MEH asked whether GFI was currently operational. DD said that GFI's farm was operational.

MEH asked if GFI had been subject to an EIA. DD explained that no EIA was required when it began operations however it would be happy to undergo an EIA.

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There being no further questions from the Commission the Chairman thanked DD.

The Commission welcomed Mr John Gaggero (JG) on behalf of the applicants.

JG referred to an email from BP to Blands in which it made reference to the need for a facility that met high standards of health and safety, and that volumes would need to be reduced if a new facility was not provided.

PNR asked JG how the location of the proposed site came about. JG explained that they had approached the Captain of the Port and the then Minister for the Port, the Hon J J Holliday, for approval to use an area adjacent to GFI. This had been refused and the current proposed site had been suggested by them as a possible location.

JH asked if it was possible to construct a 100% containment bund wall. JG did not know but asked the Commission if the question could be answered by Mr Daniel Pasc (DP) who was the technical expert and was present.

DP explained the different tanks and systems available and highlighted that with the proposed design a 100% containment wall would cause more problems than an increase in safety.

MEH asked if GFI and MH Bland had looked at the possibility of working together.

JG stated that due to BP's requirements a joint venture or joint arrangement would not be possible.

There being no further questions the Chairman thanked JG & DP.

Matters Arising

277/12 -BA12035 - Roof terraces, Sails 1 and 2, Ocean Village – Proposed conversion of terrace Sail 1 into restaurant and Sail 2 into yacht-related office.

The Commission approved the proposed roof terrace conversions.

PNR raised the concerns which had been expressed in respect of the staircases. He suggested that these be rotated in order to exit along the boardwalk instead of the promenade.

The Commission approved this suggestion.

278/12 - BA12037 - Ex-Key Transport site, Ocean Village – Proposed 3-storey office building with retail or office on ground floor.

The Commission approved the revised plans subject to final confirmation on the revised plans which were to wrap the glazing around the elevation to Waterport Road and to incorporate openable windows.

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279/12 - BA12054 - Penthouse Floor, Atlantic Suites – Proposed change of use residential to office.

GM said that he felt that due to design limitations this unit has not been able to have its intended use.

The Commission agreed that the additional information satisfied its concerns that the proposal would result in a precedent for other changes of use from residential to commercial and approved this application.

Other Developments

280/12 - BA11093 - La Mamela, Sir Herbert Miles Road, Catalan Bay - Proposed enclosure of ground and first floor terraces, new first floor balcony terrace and first floor extension over flat roof.

DTP explained that the applicant wished to revise the scheme to allow for the enclosure of the 1st floor terrace with the 1st floor balcony terrace to be at later phase. The period of validity would also need to be extended. The Commission approved the revised scheme.

281/12 - BA11533 - 6/8 Library Street – Proposed redevelopment for office use, comprising demolition of internal structures and rebuilding with additional storey.

The Commission approved the revisions to the approved scheme..

282/12 - BA11816 – Outline - Maida Vale, Engineer Road – proposed residential development of 5 villas and 3 town houses.

DTP informed the Commission that the applicant was requesting the removal of some trees as it had been realized that the proposed building could not be constructed unless these trees were removed. He also advised the Commission that he, together with KB and a representative of the Department of the Environment had met with the applicants on site to review the matter. One tree had to be removed because it was in a dangerous state but remedial action had been taken to safeguard the remaining trees.

KB stated that in the initial application the applicant had been adamant that no trees would be lost. KB added that he had an issue with developers requesting the removal of trees after planning permits had been granted.

MEH said that this was one of the most environmentally friendly proposals he had seen and the loss of trees was therefore a cause for concern.

The Chairman suggested that the applicant should be asked to redesign the proposal in order to retain the trees. He added that the height of the retaining wall was of concern.

The Commission did not approve the removal of the trees. It instructed DTP to inform the applicant to redesign the proposed building.

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283/12 - BA11849 - Container Berth, North Mole – Proposed tank farm.

The Chairman explained that the application had now been submitted to DCM following EIA screening by himself as the Town Planner. TP said that following his screening of the application he was recommending that no EIA is required. He added that none of the departments or agencies consulted had requested the undertaking of an EIA.

Discussion ensued between JH and TP with JH highlighting that she felt that the decision whether or not an EIA was required should be taken by scientists and not the Town Planner. TP pointed out that the law requires the TP to issue the Screening Opinion and that following consultation with the relevant experts he then issues a Screening Opinion

JH and KB stated that they would wish that an EIA be undertaken.

The application was carried forward pending a decision by DCM on the Screening Direction within 28 days.

284/12 - BA11922 - La Mamela, Sir Herbert Miles Road – Proposed extension to front terrace.

DTP explained that the proposal was for a small extension to the existing balcony. The Commission approved this application.

285/12 - BA11954 - CP1044, 25 Witham's Road – Proposed stone cladding to base of façade.

RL said that the Trust did not approve the proposed stone cladding. He suggested an alternative which met with the approval of the Trust.

The Commission approved the application subject to the cladding comprising natural limestone or similar.

286/12 - BA11978 - CP1227, 12.2 Journey's End, Naval Hospital Hill – Proposed removal of existing balconies and construction of decked terrace.

DTP explained that the applicant wished to make some minor revisions to the approved scheme which included a skylight to the west roof and photovoltaic panels.

The Commission approved the application.

287/12 - BA12044 - Airport, British Lines Road - Proposed Installation of mobile phone mast.

DTP explained that this proposal was for a mast to be located close to the two existing masts. The applicant had approached Gibtelecom to be able to share their mast but this had not been possible.

It was generally agreed that the mast was not in close proximity to residential areas.

The Commission approved the application.

JH informed the Commission that meetings were on-going with the Gibraltar Regulatory Authority in order to establish a criteria for the erection of masts.

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288/12 - BA12056 - Ground Floor Atlantic Suites – Proposed cafeteria.

The Commission approved this application. No objections were received under section 19 of the Act.

289/12 - BA12060 - Units 1 & 2, 1 South Pavilion Road – Proposed terracing of gardens and fencing.

The Commission approved this application. One Section 21 objection was recorded but the Commission was satisfied that the development did not adversely affect the situation as was being portrayed by the objectors.

290/12 - BA12067 - 60 Governor's Street – Proposed replacement of masonry wall and creation of terrace.

DTP highlighted that he was not aware of the details of Government's plans for this area. He also sought the Commission's views on the treatment of the wall below the proposed terrace.

CV said that although HMGOG was still considering its options in respect of this area this proposal would not affect these.

The Commission approved this application with a condition for the wall to be rendered and painted to an approved colourscheme.

291/12 - BA12071 - Units 8 and 9, Portland House, Glacis Road – Proposed amalgamation of two units into one, involving change of use from retail to bureau de change, internal alterations and signage.

The Commission approved this application.

292/12 - BA12073 - Adj Café Fresco, Ocean Village – Proposed single storey timber construction for use as bar/café/restaurant.

DTP explained that the current proposal was the same as previously approved other than the use which was now to be a bar/restaurant/café. He also confirmed that the external layout of planters complied with the Commission's decision on improving pedestrian access as part of the recent application for the access road between Royal Ocean Plaza and Tradewinds.

The Commission approved this application.

293/12 - BA12075 – Marina Views, Glacis Road – Proposed change of use from car showroom (part) to self-storage use.

The Commission rejected this application on the grounds that the proposed use was not compatible with the residential use likely to result in problems of noise and disturbance and there unacceptable traffic would be generated by such use at a very critical crossing point for the schools in the area and that it was not an appropriate site for such a commercial property..

MG left the meeting as he had to attend to other duties.

294/12 - BA12080 - 38 Admiral's Place – Proposed extension and re-use of chimney stack.

The Commission approved this application subject to the chimney designed sympathetically to the others in the estate.

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295/12 - BA12081 - 33-45 Rodger's Road – Proposed change of use from retail to stores.

This application was carried forward as the applicant had not paid the application fee nor provided information requested.

296/12 - BA12082 - 304 Main Street – Proposed replacement of roof covering and internal alterations.

The Commission approved this application subject to confirmation from the Heritage Agency once they had visited the site. The applicant is to be conditioned to install swift nests and use glazed roof tiles.

297/12 - BA12086 - 32a Rosia Road (GFA) – Proposed installation of new GSM antenna.

DCM declared an interest as Chairman of Gibtelecom.

JH asked if residents had been advised of the proposed installation. DTP stated that only the Gibraltar Football Association and Land Property Services had been notified.

MEH asked whether for future applications it would be possible to request applicants to mark out the distance from the proposed location of the mast with circles at certain set distances i.e. 25m, 50m, 100.

JH and KB both stated their objections to this proposal.

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

2 votes in favour

2 votes against

3 abstentions

The Chairman cast his vote in favour.

The Commission approved this application.

298/12 - BA12097 - Demolition-Grand Battery, Smith Dorrien Avenue – Proposed demolition of retaining wall, small shed and removal of trees.

The Commission noted the approval granted via round-robin.

299/12 - BA12099-Upper signal Station, Upper Rock – Proposed transmitter site.

DTP said that the Ministry for Heritage has no in-principle objections but would like a site visit.

DTP explained that the Development Plan has a policy which does not allow the interruption of the ridge line. However he added that this application could be considered as having a wider benefit to the whole community and therefore almost of 'national interest.' It would also enable the migration of other transmitters situated on the ridge to one site which could have an overall positive benefit

KB asked if this would replace other antennae at Signal Hill.

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Mr J Torres of the Gibraltar Regulatory Authority who was present at the meeting informed the Commission that those at O'Hara's Battery and Signal Hill would be removed.

MEH asked that the Department of the Environment be advised of the site meeting.

RL said that the applicant should ensure that the equipment is painted so that it is in-keeping with the surrounding area.

The Commission had no objections but the Heritage Agency should first undertake a site visit and that the the proposed colourscheme for the mast should be chosen to minimize its visual impact..

300/12 - Ref1281/33 - Western Beach – Proposed reclamation for beach car park.

TP reported that he was awaiting responses to questions raised by the Department of the environment before he could finalise his Screening Opinion. This application was carried forward.

301/12 - Ref1198/014/12 - Café Solo, Unit 3 Casemates Barracks – Proposed signage

The Commission agreed that the guidelines pertaining to the signage at Casemates should be adhered to.

The Commission instructed TP to enforce these guidelines.

302/12 - Ref -1198/015/12 - All's Well, Unit 4 Casemates Barracks – Proposed signage

The Commission agreed that the guidelines pertaining to the signage at Casemates should be adhered to.

The Commission instructed TP to enforce these guidelines.

Minor Works – not within scope of delegated powers

303/12 - BA12072 - Units 2, 3, 4 & 5, Little Genoa, Sir Herbert Miles Road – Proposed fitting out for use as cafeteria and convenience store.

DTP said that Technical Services Department had suggested that the gap from the wall to the tables be 2m although 1.6m may still be acceptable. DTP confirmed that the submitted drawings showed only a gap of 1m.

The Commission approved this application subject to the gap being maintained at 2m.

303/12 - Ref – 1195 - 19 Europa Road - Removal of tree causing structural damage to road wall.

MEH suggested that the applicant be conditioned to replant the new trees before the removal of the existing tree.

The Commission agreed to this suggestion.

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The Commission approved this application.

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

304/12 - Ref1198/007/12/ - 139 Main Street – Proposed shop signs.

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

305/12 - Ref1198/008/12/ - 59 Main Street – Proposed shop signs.

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

306/12 - Ref1198/009/12/ - 165 Main Street – Proposed shop signs.

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

307/12 - Ref1198/013/12 - 15 Woodford Cottage – Advertising for sale sign on doorway.

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

308/12 – Ref1198/012/12 - 45 Main Street – Advertising on hoardings.

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

309/12 - BA11170 -269 Main Street - Proposed Internal Lift - Renewal of Planning Permit.

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

310/12 - BA12036 - Unit 17 Sale 2 Ocean Village Promenade - Proposed canopies.

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

311/12 - BA12042 - Atlantic Suites – Proposed internal alterations to Gym.

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

312/12 - BA12070 - 2 Ordnance Wharf, Queensway Quay – Proposed canopies.

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

313/12 - BA12072 - Units 2, 3, 4 & 5 Little Genoa, Catalan Bay Promenade – Proposed fitting out.

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

314/12 - BA12074 - 105 Peninsular Heights – Proposed glass curtains to balcony

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

315/12 - BA12079 - Building 9, Europort – Proposed structural widening of basement garage opening for car access.

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

316/12 - BA12083 - 39/1 Naval Hospital Road – Proposed internal alterations to residential unit.

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

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317/12 - BA12084 - Unit 38-40 The Sails, Queensway Quay – Proposed glass curtains.

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

318/12 - BA12087 - 77 Ragged Staff Wharf, Queensway Quay - Proposed internal alterations to residential unit.

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

319/12 - BA12088 - 28 The Square, Marina Bay - Proposed internal alterations to residential unit.

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

320/12 - BA12089 - 21A Admiral's Place, Naval Hospital Road - Proposed attic internal alterations to residential unit.

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

321/12 - BA12091 - 17 The Sails, Queensway Quay – Proposed glass curtains.

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

322/12 - BA12092 - Suite D, 3rd Floor, Regal House - Proposed office fitting out.

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

323/12 - BA12780 - Unit 31 Ocean Village Promenade - Proposed fitting out.

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

Any Other Business

324/12 – Ref1195 – Removal of Cyprus Tree at Vineyards

The Commission approved the removal of the tree subject to the condition that the new trees are to be replanted before the removal.

325/12 – BA 12103 GOG Project – Extension of walkway at St Bernadette's Therapy Centre, Smith Dorrien Avenue

DTP reported that the application had only recently been received and that it had not yet been assessed by the planning department. GM pointed out that these works are required due to alterations which have been undertaken to the building over the years.

The Commission had no objections..

326/12 – BA 12116 Kings Wharf Car Park, Queensway – Re-provision of Commonwealth Car Park

DTP reported that the application had only just been received and that therefore it had not been possible to fully assess the proposal. However, it was understood that the intention was to provide a temporary car park for the duration of the Government's planned works to Commonwealth Parade car park and that the public car park would be incorporated into the next phases of the development of King's Wharf as similarly occurs at Europlaza. It was agreed that

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plans would be presented at the next meeting but that the Commission had no objections to the principle of the development.

327/12 – Next Meeting

The Commission agreed to next meet on 19th June 2012.