

Approved  
DPC meeting 9/14  
28/5/14

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 9<sup>th</sup> Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 28<sup>th</sup> May 2014 at 09.30 am.

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- 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 H Montado (HM)  
*(Technical Services Department)*
  
  - Mr G Matto (GM)  
*(Technical Services Department)*
  
  - Mr R Labrador (RL)  
*(Gibraltar Heritage Trust)*
  
  - Mr C Perez (CP)  
*(Gibraltar Ornithological & Natural History Society)*
  
  - Mr J Collado (JC)  
*(Land Property Services Ltd)*
  
  - Mrs J Howitt (JH)  
*(Environmental Safety Group)*
  
  - Mr W Gavito (WG)  
*(Rep Commander British Forces, Gibraltar)*
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)  
*(Deputy Town Planner)*
  
  - Miss K Lima  
*(Minute Secretary)*
- Apologies:**
- Mrs C Montado (CAM)  
*(Gibraltar Heritage Trust)*

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

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

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

**Approval of Minutes**

**226/14 - Approval of Minutes of the 7<sup>th</sup> and 8<sup>th</sup> meetings of 2014 held on 10<sup>th</sup> and 24<sup>th</sup> April 2014 respectively**

The Commission approved the Minutes of the 7<sup>th</sup> meeting held on 10<sup>th</sup> April 2014.

The Commission also approved the Minutes of the 8<sup>th</sup> meeting held on the 24<sup>th</sup> April 2014 subject to the following amendments in bold:

Minute 163/14 – page 13

CAM said that they already have a large entrance on the north façade and therefore, the Heritage Trust would **insist** that the facades are maintained as they are.

Minute 165/14 – page 14

CAM highlighted that the **Blackwatch** Monument which exists in the area, although not listed, should be maintained.

Minute 169/14 - page 17

JH read out the report produced by the ESG's environmental technician. The report stated that they welcomed the moratorium taken on this matter and transparency in presenting this matter to the DPC. However, the statement said that HMGOG could have done more in terms of provision of antennas and that they would have preferred to have received a final policy rather than a draft. She also said that they have not received a reply to the concerns that they have raised and that they have followed this up with the GRA who has denied having a copy of the Government policy. JH said that the report states that aerials on roofs are unacceptable due to radiation leaks. She said that vulnerable people must be protected and that some of the sites proposed by Gibtelecom are not acceptable. JH also said that the ESG has provided HMGOG with **information on** an automatic monitoring system but have not received a reply. JH also said that the number of masts will quadruple in the future and that HMGOG should encourage sharing between operators as is done in other countries.

JH also said that for the past two years **Ministers Garcia and Cortes** and the DPC **have listened to submissions from the ESG and members of the public**, and the fact that there is now a plan has to be welcomed. She said that the ESG understands that people want the service but said that they would have liked to have received a response to their concerns **to the Government Mast Policy** and to have a meeting dedicated solely to this matter. She said that

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although these applications are being brought to the DPC, it does seem that **public consultation** rights have been diluted further and perhaps these might not be presented to the DPC in the future. She said that in the future if the landlord, for example Government or a management company is happy with the proposal, the applicant might simply have to comply with the policy. The ESG would have liked to see the GRA's review of Gibtelecom's report. JH said that not enough time has been allowed to consider Gibtelecom's report since it was received and that it was not timely to consider all 14 applications at this meeting.

**Matters Arising**

**227/14 – BA12098 – 1b Engineer's Road – Proposed detached house**

DTP informed the Commission that works have been stopped as the applicant was not following the approved plans. He said that subsequently revised plans have been received and circulated to members. An email from a neighbour objecting to the proposal has also been circulated. DTP said that the objection is largely related to a land ownership issue. DTP advised that the main changes include a set back of the roofline, the creation of a balcony, introducing a central panel to the windows and the introduction of brise soleils. DTP said that the applicant confirms that the changes are due to improvements in the sustainability of the building including thermal control, glazing, overhangs and brise soleils. DTP added that a gate is being relocated so that it is within the applicant's property but that the first floor slab exceeds their boundary by approximately 20cm and therefore, if the adjacent owner does not agree to this they will have to cut it back.

DTP said that from a planning perspective the changes provide more interest to the façade and that the balustrading posts help break up linear features. He also said that the lift shaft structure has been reduced and is now less visible. DTP added that discussions are ongoing with regards to the land ownership dispute and that the issue is virtually resolved. However, he said that this is not a matter for the DPC to determine. DTP recommended approval.

The Commission approved the revised application.

**228/14 – BA12946 – 56 City Mill Lane – Proposed demolition of building**

This item was deferred as additional information is pending.

**229/14 – BA12957 – Albany House, Town Range – Proposed conversion to flats with commercial area on ground floor**

DTP advised that the proposal is for demolition and construction of a new residential development. He said that revised plans have been submitted which include changes such as the individual balconies on the front elevation which have been converted into single balconies; the windows on the rear elevation have been removed and a rendered feature introduced in response to concerns from adjacent occupiers. DTP said that there are no planning objections and recommended approval.

The Commission approved the revised application.

**230/14 – BA12975 – Unit 7, 8 & 9 Chatham Counterguard**

DTP reminded the Commission that the application to install permanent awnings was refused at the last meeting. He said that the Town Planners met with the applicant and discussed sun shades as an alternative but that the applicant insists that these are not feasible due to the wind tunnel effect in the area.

The Commission welcomed the applicants Mr Navarro and Mr Sanguinetti and Mr Beriro, another tenant of one of the units.

Mr Sanguinetti told the Commission that sun shades have been tried in the past but that it is impossible to use these due to the high wind in the area. Mr Sanguinetti showed the Commission a video of a windy day in the area. Mr Sanguinetti also made reference to other areas which have big umbrellas such as opposite the Convent and said that these will also cover the whole pavement. He said that before they erected a canopy, they spoke to LPS and the Town Planners and tried to erect something that would be amenable to the Commission. He said that they thought that the best option would be to replicate the one approved for the piazza. Mr Sanguinetti also said that the pavement is not used by pedestrians as it is blocked at the end and it is therefore, more convenient to use the pavement on the opposite side of the road. He also told the Commission that the vaults are 60m<sup>2</sup> and that they can only fit around four tables, which means that they need to use the external area. He said that he cannot understand why their proposal has been rejected if it has been approved elsewhere.

Mr Beriro told the Commission that he thought that their decision to refuse this application was unfair as other establishments in Gibraltar have canopies, including some which are in front of city walls, for example the Leisure Centre. He also said that there are other things which look much worse in the area, for example the bins.

JC asked what the main purpose of the structure is. Mr Sanguinetti said that it will not stop the wind but will protect customers from the rain and will allow people to smoke under a shelter when it is raining. Mr Beriro said that it will also help in attracting business and making their premises more competitive.

JC questioned whether they will later request permission to cover the sides of the canopy. Mr Sanguinetti said that if it has not been allowed elsewhere it would not be allowed at Chatham Counterguard either.

Mr Sanguinetti also said that they have two vaults and since they cannot break through the wall, the canopy will allow them to move from one to the other without getting wet on rainy days.

JH said that premises are licenced to use as they are and that tenants know the limitations of their units. She said that structures which are erected without permission should be removed and that those which are allowed should follow the approved design.

Mr Sanguinetti said that during discussions with LPS and Town Planning they were advised to submit a proposal similar to that approved for the Piazza.

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JC asked whether all of the tenants are in agreement to use the same design. Mr Sanguinetti said that all those who have shown an interest in installing the canopies will have to use the same design.

The Chairman clarified that the Town Planning Department was not involved in the Chatham Counterguard scheme and that if they had been, they would have suggested that a design guide be provided for the external areas. He said that the Government at the time did not produce a design guide. The Chairman told the Commission that the tenants have been pressing to obtain approval for this for four years and that he suggested that they submit an application to get things going. He also said that he personally agreed that umbrellas are a non-starter for this area due to the high winds.

MEH confirmed that the area is windy and said that he does not have a problem with a Piazza style type solution being introduced here. He said that he was not happy with the Piazza proposal at first but that it does work.

RL said that the Heritage Trust feels that the structure will destroy the features on the wall as the wall will hardly be seen.

JH asked whether there is discord amongst the tenants. The Chairman said that not all of the units are occupied and therefore, only those occupied have approached the DPC for permission.

MEH said that shade is necessary as the area is hot and exposed. He also said that it will add to the viability of using the units and that he did not consider that the canopies would negatively affect the bastion.

DCM said that this area was refurbished by the previous administration. He said that although there is no excuse for erecting structures without permission, he agreed with MEH in that the proposed structure would be in keeping with the area.

JH asked whether a condition of the permit could be that they will not be allowed to enclose the structure fully in the future.

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

7 in favour

2 against

The Commission approved a metal structure with retractable glazing as the one approved for the Piazza. A condition should be included in the permit that they will not be allowed to enclose it fully.

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**231/14 – BA12987 – Halifax Road – Application to construct retail outlet**

DTP recalled that concerns were raised during the last DPC meeting that the retail outlet would be constructed on a redundant planter. He said that revised plans show that the project has been extended to include planting on both ends of the building.

The Chairman confirmed that at a site meeting with the applicant, KB recommended that oleanders are planted on both ends.

JH asked what the building will be used for. The Chairman said that it will be a shop but that it is not up to the DPC to decide what they can sell or not; this falls under the Trade License Authority

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

6 in favour

1 against

2 abstentions

This application was approved by the Commission.

**232/14 – BA12991 – Former Ipanema Restaurant, Sail 1, Ocean Village – Proposed internal and external alterations**

DTP said that this application was deferred as the Commission requested further information. He said that the applicant has confirmed that they will not be requiring a chimney for extraction and that they will be having an outlet covered by a louver instead. DTP said that he understood that they will be using a double filtration system. He said that the awning on the external terrace will be replaced on a like for like basis but that the colour might vary slightly. DTP also provided a photo of the feature door as requested by the Commission. He also said that the applicant has changed the full height concertina door system on the south elevation to half height with wooden cladding and windows above. DTP said that the applicant had confirmed that the reason for changing the concertina doors was because there were issues with their original installation and the applicant thought that they were not in keeping with the theme of the restaurant and were concerned about security. DTP also said that the proposal to introduce glazing to the terrace area would set a precedent.

DTP said that the feature door does not have a significant impact but that it is a Chinese theme door and therefore, does not reflect the architectural style of the unit. He said that there are no strong planning objections to the door. With regards to the curtain glazing on the terrace DTP recommended refusal as all of the other units have awnings instead. DTP also said that the change in fenestration is not too visible but does differ from the general theme. He said that if the proposed fenestration is not approved, the applicant has requested that they are given around three to four months to change them.

Mr Yongnan, the restaurant director, approached the Commission and confirmed that they will not be installing glazing on the terrace. He also said that they changed the fenestration due to water penetration and because the proposed fenestration is typical of a Chinese restaurant. He

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said that the maintenance of windows is their responsibility and not Ocean Village's. He also confirmed that they will not be requiring a chimney.

JC asked whether other tenants have changed the fenestration. DTP said that some have changed to a frameless system.

JH asked whether the changes have to be approved by the Landlord. The Chairman said that a notice has been served under Section 21 but that no comments have been received.

DCM thought that the proposed doors are safer for small children and that it looks good in terms of the theme of the restaurant.

The Chairman asked whether the DPC should allow the changes which might encourage others to theme their restaurants or refuse and continue the practice of uniformity.

JH said that the changes are subtle compared to other changes that have occurred.

The Commission took a vote on the proposed changes with the following result:

Themed door:

7 in favour

0 against

2 abstentions

The themed door was approved by the Commission.

Fenestration - glazing and fixed panel:

4 in favour

1 against

4 abstentions

The Chairman voted against the introduction of the proposed glazing. The glazing was approved.

The Commission approved the retractable awnings, themed door, louvre for extraction & fenestration.

**233/14 – BA13002 – Referendum House (roof) – Proposed installation of GSM mobile antennas and ancillary equipment**

This matter was carried forward pending a revised proposal.

**234/14 – BA13010 – Albert Risso House – Application to install GSM mobile antennas and ancillary equipment**

The matter was carried forward pending a revised proposal.

**235/14 – BA13021 – Albany House, Town Range – Proposed demolition**

DTP advised that the proposed demolition was approved at a previous meeting with the exception of the ground floor façade. He said that a revised application has been received which requests permission for the demolition of the ground floor façade. DTP explained that the reason given for demolition is the poor condition of the façade. He said that there is only one original

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stone arch left and the others appeared to be later timber arches. He also said that the applicants have stated that due to the narrowness of the road at this point the contractors would need vehicular access to the site to carry out construction. By doing so it would also minimize the construction period.. He also said that if approved the proposed scheme would replicate the ground floor façade.

RL said that the Heritage Trust would prefer that the remaining stone arch is retained. He said that if the other end is demolished access to the construction site could be through there.

Mr K Thorogood, the applicant, who was present and was invited to address the Commission, stated that the archway is in such a damaged condition that he is not sure whether it will be possible to repair it. He said that they can replace it. He also said that they are heritage minded and although they would have liked to have kept the arch, it is considerably eroded.

RL asked whether CAM has visited the premises and seen the arch. DTP confirmed that the Heritage Trust has been consulted and that their last comment was that they did not have any further comments to make. RL asked whether they could be given another opportunity to go to see it.

The Chairman recommended that if minded to approve this application the Commission should not allow demolition to go ahead until Building Control approval is granted because from past situations demolished sites have blighted neighborhoods if they remain undeveloped an example being the corner junction between Town Range & George's Lane opposite and in other sites such as Lord Napier Mews the existing building has instead subsequently been re-accommodated by sensitive development.

The Commission approved the application in principle subject to the Heritage Trust reappraising the original archway and Building Control granting approval.

**236/14 – BA13035 - Victoria Stadium, Bayside Road – Proposed extension to main stand to accommodate UEFA upgrade requirements – HMGOG Project**

DTP said that this Government application to improve the existing facilities at the Victoria Stadium was deferred at the last meeting as the Commission requested further information. DTP told the Commission that the main changes will be to the stands and spectator facilities and to improve changing rooms and broadcasting, medical and VIP facilities.

DTP said that the Director of Civil Aviation has confirmed that the obstacle limitation surface will not be breached by the changes and has requested that crane, FOD, and bird management plans be submitted and that a reflectivity study be carried out. DTP reported that he understood that discussions are on-going with the Director of Civil Aviation and the project manager.

JH highlighted that the application is referred to as changes to accommodate UEFA upgrade requirements but that no further information has been provided. She said that it seems to be part of a piecemeal development and that Government is funding these upgrades with no details being provided on seating and other plans.



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DTP said that this is a HMGOG project and that it has nothing to do with the GFA. He referred members to the information provided by the project manager and previously circulated that related the various improvements to various UEFA criteria. He said that the changes will benefit everyone using the stadium.

RL said that the application is either UEFA as stated on the application or not. If it is to accommodate UEFA requirements, RL said that the athletic track could be removed and relocated to another site such as Europa Point. If it is not to accommodate UEFA requirements RL questioned why it has been referred to as such in the application.

DTP said that he thought that UEFA has been mentioned to show that the changes would meet some of their requirements.

MEH said that the DPC does not take the place of HMGOG and that anyone with concerns can approach the Government.

The architect who was in the audience confirmed that the architectural style of the extension will be the same as the existing and that only the colour will be changed to red and white as requested by HMGOG.

JH said that she understood that the DPC is only considering planning issues but highlighted that there are other issues, such as transparency which cannot be ignored. She said that if there is UEFA involvement it should be made clear and that as with other Government projects, the project manager could have addressed the Commission.

MEH said that questions unrelated to the DPC are being raised but that he is not able to provide answers as he has not been involved in this project. MEH again stated that any such questions should be directed to HMGOG.

The Commission did not have any further comments. The Chairman said that all comments will be forwarded to Government.

### **Major Developments**

#### **237/14 – BA11906 – Governor’s Parade – Proposed basement car park, new community centre and urban park – HMGOG Project**

DTP said that he had been asked to defer this application as CV wanted to present the project and could not be present at the meeting. This item was deferred.

### **Other Developments**

#### **238/14 – REF 1198/007/14 – 57/63 Line Wall Road – Proposed new illuminated advertisements on facade**

DTP told the Commission that this application was referred by the subcommittee. He said that Hassans are requesting permission to erect a sign on the side of the building. DTP said that the Development Plan policy does not allow signs to be placed above the first floor in buildings

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within the town area in order to avoid a proliferation of signs on buildings. He said that there are around two or three different business located in this building and if this one is approved they might all want to erect signs. DTP said that the Development Plan policy has to be taken into consideration, together with all other considerations, and that the issue is more about creating a precedent rather than what is being proposed.

JH said that it would be a pity not to allow it as they are one of the major occupiers of the building, which is already call Natwest House.

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

3 in favour

3 against

3 abstentions

The Chairman voted against this application. This application was refused by the Commission.

**239/14 – BA11378 – 7C Engineer Road – Proposed detached house**

DTP advised that this application has been the subject of an appeal at the Development Appeals Tribunal. DTP said that the application to construct a dwelling within the garden was refused by the Commission on the basis that it is within the nature reserve, is contrary to the Development Plan and will result in a loss of open space. DTP said that the Tribunal has allowed the appeal and that it has been brought to the DPC for information. DTP also said that the DPC's legal advisor has advised that the only basis on which the Commission can consider a judicial review of the Tribunal's decision is if they consider that the decision is unreasonable. He also said that the design is not very inspired and that the Town Planners would want to work with the applicant. DTP also told the Commission that although the Tribunal has indicated that the DPC should not put obstacles in the way of the application, it was normal practice for the Town Planners to work with the applicant in improving the design.

MEH asked whether it would be possible to have sight of reasons why the appeal was allowed. DTP referred to the copy of the Tribunal's decision that had been circulated to members. In summary, the DTP said that the Tribunal was persuaded by the applicant that their proposal is acceptable because it will be constructed on private property and will not have any impact on public access. DTP said that from a planning perspective it was argued that the Development Plan policies have to be taken into account. He also said that the Tribunal thought that too much importance was being placed on the plan and that it is not a heavily wooded area. DTP said that the Department of Environment had made comments on the application.

MEH requested that this matter be deferred so that the Commission can obtain further details of why the appeal was allowed. The Chairman said that even if a decision on whether to allow or not is deferred, a decision on the proposed architecture can still be taken.

JC said that the Commission should be careful as if the Commission is willing to consider the architecture, the Tribunal might question why a final decision has not been taken. He also said that the applicant requires permission from the Landlord and highlighted that the applicant should be advised that the planning permit does not allow them to proceed.

The Commission decided to defer this application.

**240/14 – BA11492 – 325A Main Street – Proposed new illuminated signage for shop front**

DTP told the Commission that this application was referred by the subcommittee as a decision on the policy to be used for future applications has to be taken. DTP said that the application is for a static LED display which will be refreshed every two hours and will be functioning from 6am to 11pm. DTP highlighted that if approved the Commission could see a proliferation of these displays which would result in moving away from the character of the old town.

DTP told the Commission that the subcommittee considered that more traditional signage should be retained within the town area in accordance with current policy and to maintain the character and appearance of the Old Town. He said that they could always have an LED display within the window and not as their main sign.

The Commission refused this application.

**241/14 – BA12290 - 17 Turnbull's Lane – Proposed canopy**

This application was deferred as requested by the applicant.

**242/14 – BA12575 – CP1033, 8 Rodger's Road – Proposed refurbishment, additional storey, replacement of garage and plunge pool**

DTP recalled that the Commission approved various works for internal alterations and an additional storey with a terrace. He said that revised plans have been received for the construction of an external lift as the applicant has recently been diagnosed with a medical condition and has difficulty with stairs. DTP said that the lift will be glazed on the north elevation and solid on the other sides. DTP also said that the internal floor space has been extended and the terrace area reduced.

DTP said that no feedback has been received on this application and that there are no planning objections. DTP recommended approval.

RL asked whether it would be possible to see a photo montage of the west elevation. DTP said that there is not a significant change to the elevation as the top terrace was going to have glazing. RL said that he was not sure whether glazing is the best option and that perhaps it would be better if it were more in keeping with the original building.

JC thought that the glazed lift provides an interesting feature to the elevation. DTP said that glazing is often used to minimise the impact of a later addition to a historic building.

The architect, who was in the audience, confirmed that the glazing has been added so that it is possible to see through to the original building and to allow natural light. She said that the arches on the other side of the building will be retained.

The Commission took a vote on the application to install a glass lift with the following result:

6 in favour

3 objections

The Commission approved this application.

**243/14 – BA12965 – 2B The Tower, Marina Bay – Proposed removal of external planter and creation of external seating area**

DTP told the Commission that this application is to remove a planter and create a terraced area with an awning to be used as a smoking area. DTP said that objections have been received from the neighbour above the premises on the basis that a planter will be lost and nuisance that will be caused by allowing people to smoke within the area below their property. DTP also said that the objector has questioned whether allowing this would be against the smoking legislation although DTP considered this to be unlikely as the area was not an enclosed space. DTP advised that these premises had been extended in the past by the addition of a conservatory to the front.

DTP advised that the landscaped area is part of the greenery and wider landscaping of Ocean Village and therefore, recommended refusal on the basis of loss of landscaping.

The Commission concurred with DTP's recommendation and refused this application.

**244/14 – BA13016 – 24-28 Engineer Lane – Proposed change of use and redevelopment for boutique hotel**

DTP told the Commission that this application is for full planning approval after permission was granted for outline planning in October 2011. DTP said that the proposal remains the same in terms of external features and the addition of two storeys, with the top level being a setback terrace. DTP also said that internal alterations have been designed to make the hotel work better. The architect has also replicated the fenestration and balconies on the new stories

DTP advised that the Department of Environment has made their standard comments on dust control, energy performance and green areas. They have recommended that the applicant liaise with the GEA on the use of solar panels.

DTP also said that TSD has questioned how the hotel will be serviced as no parking is being provided. DTP said that he believes that there is a loading bay adjacent to the hotel and that the hotel is geared to be more of a long stay hotel with studio type rooms.

DTP told the Commission that the Heritage Trust has no objection to most aspects of the proposal but recommends that instead of constructing a parapet wall, existing railings should be salvaged, as well as woodwork and stained glass replicated on new windows. They have also stated that old features inside the building such as the marble staircase should be retained.

DTP said that there are no planning objections subject to recommendations made by the Heritage Trust being met.

CP requested that swift and bat boxes are installed.

RL highlighted that care should be taken during demolition to ensure that original features are not damaged. The Chairman suggested that the new heritage officer at the Gibraltar Heritage Trust in conjunction with the Heritage Division carries out a photographic survey and is present during demolition.

The Commission approved this application.

**245/14 – BA13025 – 12 Gardiner’s Road – Proposed refurbishment at 3<sup>rd</sup> floor level and extension of covered roof onto existing terrace area**

DTP told the Commission that this application involves internal alterations and roofing over and installation of curtain glazing to an existing small open terrace. DTP confirmed that there are no planning objections.

The Commission approved this application.

**246/14 – BA13026 – 4 Orchid House, The Cliftons, Europa Road – Proposed internal alterations and construction of wall on verandah**

DTP advised that this matter was referred by the subcommittee because they were concerned about the construction of a new wall on the terrace but that this aspect of the application had since been withdrawn and that there is no need for the Commission to consider this application.

**247/14 – BA13031 – 2 Market Place – Proposed change of use from retail to take away, extension and creation of 1<sup>st</sup> floor terrace**

DTP explained that the applicant intends to open a pizza takeaway. They want to construct an extension and a first floor terrace to the existing premises. DTP said that the design gives the unit a more rectangular form and includes an external staircase leading to the terrace.

DTP said that the Heritage Trust has objected to this proposal as the applicant’s current premises are already an accretion to the original 19<sup>th</sup> century building. They recommend that accretions are removed rather than adding to them.

DTP said that given that the later addition already exists a compromise might be to allow the applicant to straighten out the unit but not create the terrace.

RL said that he was of the understanding that the original idea was to demolish these premises but that there were legal issues which impeded this. He said that if possible they should be removed.

JC suggested that perhaps the applicant could be offered the possibility of building a kiosk in the area in exchange for their unit, which Government could then demolish. MEH said that if the applicant has a lease there might be legal impediments.

The Chairman said that an alternative would have to be provided by Government if the premises were to be demolished.

The Commission deferred this application to allow HMGOG to approach the applicant with possible alternatives.

**248/14 – BA13032 – South Plot, Europort Road – Proposed 5 storey office building**

DTP told the Commission that various objections as well as counter representations have been received and circulated to members of the Commission. DTP said that outline approval was granted in October 2011 for development of this site into a 14 storey office building which included the car park area and the ball court to the south.

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DTP advised that the new scheme which has been submitted provides two options and three schemes. Under option A the footprint of the building would project beyond the front plane and under option B the footprint would be in line with Eurotowers.

DTP said that the development will have 6 storeys, of which the top floor will be a setback terrace. 2300m<sup>2</sup> of floor space will be created and car parking provided in the area adjacent. DTP also said that the distance from the south elevation to Eurotowers is approximately 9m.

DTP told the Commission that the three proposals are as follows:

- Proposal 1 – Glazing and curved glazing on frontage and rain screen cladding/paneling. The ground floor would be set back.
- Proposal 2 – A more solid frontage with vertical emphasis through external lifts and detailing.
- Proposal 3 – A more modern style with glazing and coloured panels. Includes an external lift.

DTP also said that two objectors have requested the possibility of addressing the Commission.

The Commission welcomed Mr Hector Macedo.

Mr Macedo told the Commission that he lives in apartment 630 on the 6<sup>th</sup> floor of block 5. He said that he has been living in his apartment for over 20 years and that he purchased it within the last 8 years prior to his retirement. Mr Macedo said that the new development would overshadow his apartment which is composed of two rooms, living room and bathroom. He said that it would obstruct his bedroom to the extent that he would not be able to open the windows and that he would have people looking into his property from the terrace. Mr Macedo said that his wife is very sick and that he will have to sell his property if the development proceeds. He said that he has also been advised that that his apartment will lose almost 50% of its value. He asked the Commission to consider if they were the owners of his apartment whether they would want this development opposite their property. He said that it is outrageous and violates the Gibraltar constitution. Mr Macedo also said that the development will be built on a green area which has always been part of the estate and used by children as a play area. He said that the residents have been paying for this area through their service charges. Mr Macedo said that he knows for a fact that although this is being presented as a different development, they are the same developers.

JH said that if Mr Macedo lives on the 6<sup>th</sup> floor, from the plans it would seem that he is above the building. Mr Macedo said that he would be directly opposite the terrace. JH asked Mr Macedo whether it would make a difference if the roof terrace were closed. Mr Macedo said that if it would have been there when he purchased his property he wouldn't have bought it.

The Chairman asked Mr Macedo whether he has windows on the south elevation. Mr Macedo said that his apartment is in between two others and that all his windows face south.

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JC said that he sympathised with Mr Macedo's situation but that if everyone had the same opinion it would not be possible to continue constructing in Gibraltar and future developments would not be possible.

The Commission did not have any further questions and thanked Mr Macedo. The Commission also welcomed Mr Fromow.

Mr Fromow said that alternative suggestions should be expressed. He said that Gibraltar is saturated with concrete and that Europort has reached its saturation point, and there are few green areas in the area. Mr Fromow also said that in 1995 the lease which he purchased states that residents have the right to free uninterrupted passage to communal areas. He said that these grounds have been used by the tenants over the years and that at one point the owner of the building was actually considering creating a swimming pool for tenants in the area which is now to be developed. He claimed that the development would constitute a breach of their contract and that as an alternative the car park area behind Eurotowers could be used. He also said that he was aware that although Government has offered two alternative sites, the developer is insisting that this should be the location.

JC said that he was not aware of alternative locations having been proposed by Government.

DCM asked whether if the development were to be placed in the car park behind Eurotowers, it would affect any other apartment. Mr Fromow said that it would not if it were 4 storeys only.

GM said that he was a resident of the estate. He said that he noted with concern Mr Fromow's comments but that perhaps if the development were to be moved to the site proposed by Mr Fromow, there might be other objections. He said that in the interest of clarity confirmation on who is the landlord of the area should be obtained.

JC confirmed that the car park which currently exists in the area and which has been earmarked for development is Crown Land.

GM said that the development would be between two lands; part of which is used by residents and the other which is not.

The Chairman said that the Commission is not party to subdivisions of plots. He also asked Mr Fromow why they have not legally challenged the applicant. Mr Fromow said that it would be very costly to go down that route.

DCM suggested deferring the application and arranging a site visit.

The Chairman said that the applicant should also be given the opportunity to address the Commission on their development.

JH said that the previously approved project was a monstrous building and that at the time it was clear that the public objected to it. She highlighted that it is already a built up area and that the

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loss of the football pitch cannot be allowed as it is crucial to have amenities for the young. JH asked whether this development will also result in the loss of the football pitch.

DTP said that at present the footprint does not affect either the car park or the football pitch and that there would be conditions for additional landscaping to be provided.

The Chairman said that the previous applicant accepted the conditions imposed by the Commission in exchange for development rights but that their permit has expired. He said that he would be asking both the applicant and the objectors to be present during the site visit.

RL said that in his opinion Option A looks like a lovely modern building which is in keeping with the area. He said that the Heritage Trust is not opposed to introducing glass buildings in this area.

The Commission deferred this application pending a site visit.

**249/14 – BA13033 – 85 Governor’s Street – Proposed sub division of shop into two units including external alterations**

This application was deferred as requested by the applicant.

**250/14 – BA13037 – 118 Main Street – Application to install air-con unit**

This application was deferred as requested by the applicant.

**251/14 – BA13049 – Unit 15, Dutch Magazine – Proposed vehicular access and internal/external refurbishment**

DTP informed the Commission that this application involves the creation of vehicular access from the area of the 100 Tonne Gun along an old railway line. He said that minor alterations to planters, clearing of vegetation, cutting back of a small area of rock to provide a vehicle turning area and the installation of gates will be required. DTP also said that the applicant has met with the Heritage Trust about salvaging the stone from the planters which are being removed to create planters. With regards to the actual unit, DTP said that no building works will be required and that the applicant will be refurbishing the unit by cleaning the woodwork and replacing the windows. He also said that fixtures and fittings will be retained and the gantry reused. DTP also confirmed that the carriage currently located in the unit is being repaired and that the trolleys are being removed by the Heritage Trust.

DTP said that the Department of Environment has highlighted their requirements for dust control. They would also require a site visit to ascertain whether there are any species in the area which should be protected. They have also requested that an asbestos inspection is carried out.

DTP also told the Commission that the Heritage Trust has asked that care is taken during clearance so that existing tracks are not damaged and are retained. They have asked that this be included as a condition of the permit.

DTP said that the premises will be used to store asbestos for later disposal. He said that the company is being relocated from other Government premises. DTP recommended approval.



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WG said that access would be through MOD crown land and that there are MOD services in the area. The applicant who was in the audience, confirmed that he has been liaising with the MOD. WG also questioned whether the building is safe as it was left derelict by the MOD. The applicant confirmed that the building is structurally safe. He confirmed that they have met with the Environmental Agency.

The architect also confirmed that three gates will be installed; one for security purposes by the Dockyard entrance, one on the hill leading down to the premises as they do not have the right of access and one at the entrance by 100 Tonne Gun.

RL said that they should work closely with the Heritage Trust as a condition of their permit.

The Commission approved this application subject to the conditions relating to protection of heritage and to the prior carrying out of a survey by DOE.

**252/14 – BA13058 – 15G Town Range – Proposed new staircase to access loft and installation of skylights**

DTP said that the proposal is to create an internal staircase and install 6 roof lights on the east elevation. He said that the roof lights might be seen from some parts of the upper town. He said that there are no planning objections and that no objections have been received. DTP also said that the Heritage Trust had recommended slate grey roof tiles.

DTP recommended approval. The Commission approved this application.

**253/14 – BA13060 – 3/6 and 3/7 Bright Cottage, Charles V Ramp – Proposed conversion of basement store into living accommodation**

DTP advised that this proposal involves the creation of two windows on the south elevation and one on the north elevation. He said that there are no planning objections.

The Commission approved this application.

**254/14 – BA13088 – Inces Hall, 310 Main Street – Proposed change of use to bank – HMGOG Project**

This matter was carried forward.

**255/14 – BA13090 – Hockey stand, Victoria Stadium – Proposed construction for walkway and internal alterations – HMGOG Project**

DTP said that the intension is to utilise the voids which are under the seating area to create units and walkways to access these. He said that these will be used by the Sports and Leisure Authority.

The Commission did not have any comments or objections.

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**256/14 – BA13100 – North Mole, North Mole Road – Proposed construction of security posts, canopy structure and fencing – HMGOG Project**

DTP informed the Commission that the security post will be replaced with a more permanent building, and a new security post erected at the end of the cruise terminal. He said that safety barriers will also be improved so that cruise passengers are properly directed to the exit. DTP also said that there will be a 3m high fence for security purposes and the portacabin currently used for taxi tickets will be relocated.

The Chairman recommended that the existing portacabin is replaced with a proper kiosk. The Commission concurred.

The Commission did not have any further comments.

**Minor and other works – not within scope of delegated powers**

**257/14 – BA11384 – Montagu Gardens – Proposed remedial measures and pedestrian access ramp – HMGOG Project**

The Commission approved this application.

**258/14 – BA11582 – 6A and B North Pavilion Road – Proposed construction of two storey house**

The Commission approved this application.

**259/14 – BA12775 – 12/1 Buena Vista Road – Proposed garage extension including new access to house**

The Commission approved this application.

**260/14 – BA12802 – North Mole – Proposed underground fuel pipe line, pumping station and feeder points**

JH highlighted that the ESG was surprised that this matter had been included under minor works. She said that it is not the first time that they feel that not enough information has been provided on the environmental assessments, as has been requested for other developments. She asked whether any further information can be provided.

DTP said that this matter had been included under minor works as permission had already been granted and that the revision involved a short extension to the fuel line. Additionally, he said that the applicants are proposing a double skinned PVC pipe to protect from any possible leakage. DTP also said that the Department of Environment has confirmed that they would want the pipes to be embedded in sand filled trenches as originally proposed

JH said that she was not happy with the limited information being provided and that this matter should be addressed separately.

DCM said that HMGOG as Landlord has not approved this application yet. The Commission noted the concerns raised by JH but approved this application.

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**261/14 – BA13028 – 1<sup>st</sup> Floor, 43/45 Main Street – Proposed change of use from residential to office and internal refurbishment**

The Commission approved this application.

**262/14 – BA13038 – 5D Library Ramp – Application to construct an opening on a structural wall and new glazed roof over patio**

The Commission approved this application.

**263/14 – BA13040 – 1 Camp Bay – Proposed installation of external stairs**

The Commission approved this application.

**264/14 – BA13041 – 331 Main Street – Proposed installation of active telecom cabinet**

The Commission approved this application.

**265/14 – BA13043 – Opposite Calpe House, Moorish Castle Estate – Proposed installation of active telecom cabinet**

The Commission approved this application

**266/14 – BA13045 – Adj Forty Steps, Prince Edward's Road – Proposed installation of active telecom cabinet**

The Commission approved this application.

**267/14 – BA13046 – Jtn Casemates Hill/Line Wall Road – Proposed installation of active telecom cabinet**

The Commission approved this application.

**268/14 – BA13047 – Victoria Stadium Complex – Proposed extension to existing boathouse for use as special needs 'Stay and Play' facility – HMGOG Project**

The Commission had no objections to this application.

**269/14 – BA13053 – North end, Eastern Beach Road – Proposed kiosk**

The Commission approved this application and that the applicant would be able to apply for an extension to the permit in future.

**270/14 – BA13054 – 6A Hood House, Laguna Estate – Proposed partial change of use to take away and new extraction system**

The Commission approved this application.

**271/14 – BA13057 – 41/3 Europa Flats – Proposed extension to exterior gym and laundry room and additional kennel**

The Commission approved this application.

**272/14 – BA13062 – 7/9 Castle Steps – Proposed minor alterations**

The Commission approved this application

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**273/14 – BA13073 – Lathbury Watch Tower, Lathbury Barracks – Proposed demolition of building – HMGOG Project**

The Commission had no objections to this application

**274/14 – BA13087 – Anderson House, Calpe Road – Proposed new monopitch roof – HMGOG Project**

MEH said that the monopitch roof should be south or south west facing to allow the introduction of solar panels in the future.

The Commission had no objections to this application.

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

**275/14 – Ref N/002/14 – Penny House Naval Hospital Road – Application to remove rubber tree**

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

**276/14 – Ref 1198/018/14 – Montagu Bastion – Proposed new signage**

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

**277/14 – Ref 1198/017/14 – 23 JMS, Haven Building – New advertising boards on ground floor**

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

**278/14 – Ref 1198/016/14 – Winston Churchill Avenue/ Devil's Tongue/ Europort Avenue/ Queensway/ Rock Hotel Hill/ Trafalgar Interchange – Proposed banners**

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

**279/14 – Ref 1198/015/14 – Unit 23 Leisure Island – Proposed new signage**

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

**280/14 – Ref 1198/014/14 – 5-7 Main Street – Proposed new signage**

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

**281/14 – Ref 1198/013/14 – Winston Churchill Avenue/ Queensway and Waterport Road – Proposed lamp post banners advertising the Love Festival. Dates: 2/6/14 to 24/6/14**

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

**282/14 – Ref 1198/012/14 – Post Office, Main Street – Proposed banner advertising International Museum Day. Dates: 9<sup>th</sup> to 19<sup>th</sup> May**

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

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**283/14 – Ref 1198/011/14 – Winston Churchill Avenue (lamp posts) – Proposed banners advertising Music Festival**

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

**284/14 – Ref 1198/010/14 – 31 Rodgers Road – Application for wall mounted office sign**

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

**285/14 – Ref 1198/009/14 – Winston Churchill Avenue (bridge) and Main Street – Proposed banners advertising Darts Tournament. Dates: 1<sup>st</sup> May to 30<sup>th</sup> June**

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

**286/14 – Ref 1198/008/14 – 01a/01 & 01a/02 Montagu Place, Ocean Heights – Application for new shop signs**

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

**287/14 – Ref 1198/006/14 – Casemates Arcade – Proposed new signage**

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

**288/14 – Ref T/003/14 – Convent Place Garden – Pruning of two trees**

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

**289/14 – BA11811 – La Rotunda, 4-16 Winston Churchill Avenue – Proposed alterations – minor revisions**

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

**290/14 – BA11961 – Burger King, Casemates Square – Proposed minor internal alterations**

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

**291/14 – BA12271 – 8 Governor's Lane – Proposed new lift**

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

**292/14 – BA12332 – 2 Giro's Passage – Proposed minor internal alterations - revisions**

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

**293/14 – BA12383 – 105 Main Street – Proposed new frontage**

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

**294/14 – BA12711 – Loquat House – Proposed revised alterations**

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

**295/14 – BA12725 – 41 Naval Hospital Road – Proposed minor alterations to premises**

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

**296/14 – BA12742 – La Rotunda, 4-16 Winston Churchill Avenue – Proposed extension (amended drawings)**

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

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**297/14 – BA12879 – Dutch Magazine, Rosia Road – Proposed mezzanine floor and new signage**

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

**298/14 – BA12952 – 38 Castle Road – Replacement of existing windows on ground floor with timber casement**

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

**299/14 – BA12959 – Unit 12, 45 North Mole Road – Revised plans**

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

**300/14 – BA12966 – 17/2 Castle Street – Proposed alterations and refurbishment**

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

**301/14 – BA12970 – 219 Mauritania, Both Worlds – Proposed installation of French Windows and a/c unit**

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

**302/14 – BA12972 – Governor’s Cottage – Amendment to plans submitted for new motorcycle club**

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

**303/14 – BA12992 – No 8 The Island, Queensway Quay – Application to install retractable, sliding, glazed screen to rear terrace**

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

**304/14 – BA12995 – 2D Gardiner’s Road – Proposed minor internal works**

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

**305/14 – BA13012 – Flat 9, 17 Castle Street – Proposed conversion of wash house to bed sit and refurbishment of premises**

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

**306/14 – BA13014 – 310 Neptune House, Marina Bay – Proposed minor alterations**

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

**307/14 – BA13030 – 7 Iris House, Waterport Terraces – Minor alterations**

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

**308/14 – BA13039 – 31 Limonium House, Westview Park – Proposed installation of glass curtains**

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

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**309/14 – BA13042 – 26 The Sails, Queensway Quay – Proposed internal alterations**

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

**310/14 – BA13044 – Unit G9, ICC – Application for general refurbishment**

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

**311/14 – BA13048 – Apartment 16, The Anchorage – Application to install awning**

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

**312/14 – BA13051 – Suites 3 & 4, Portland House – Proposed interior alterations**

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

**313/14 – BA13052 – 133 Penninsular Heights – Proposed installation of glass curtains on balcony**

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

**314/14 – BA13055 – 2a ICC – Replacement of shutters**

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

**315/14 – BA13061 – 29/1 Hospital Ramp – Internal alterations**

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

**316/14 – BA13063 – International House, Bell Lane – Removal of stud partitions to allow for new toilets**

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

**317/14 – BA13065 – Flat 2F Malaysia Court, Vineyards – Minor internal alterations**

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

**318/14 – BA13092 – St Jago's, Stone Block – Proposed new a/c units**

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

**Any other business**

**319/14 – Relocation of postbox**

DTP informed the Commission that the postbox outside No 6 Convent Place has to be relocated. He said that two options have been suggested; option one by the zebra crossing in front of No 6 and option two in front of the windows of the Angry Friar Bar.

The Commission preferred and approved the relocation of the postbox to in front of the Angry Friar Bar windows.

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**320/14 – Various issues**

JH highlighted that the Town Planning website has not been functioning properly and asked the Town Planners to look into this.

JH also said that she has written to the DPC, Ministers and the Town Planners on the Sullage Plant and plans for treatment and whether this affects their permit.

With regards to permission for aerials, JH said that the ESG felt that it was only fair that they distribute the documentation that they have been working on. She said that they still have questions pending.

The Chairman said that he did not think that it is fair for JH being a member of the Commission to present the documentation on behalf of the ESG and that instead the ESG should be properly represented. He said that the public should hear the ESG's, Gibtelecom's and the GRA's concerns.

MEH said that perhaps it would be useful to hold a technical meeting separate to the DPC.

JH said that the ESG has received phone calls from members of the public who are concerned with the approval of various new masts. She said that public consultation is important and that at the previous meeting it was mentioned that a public consultation meeting would be held.

DCM declared an interest as Chairman of Gibtelecom and said that various members of the public who had concerns have already met with Gibtelecom.

DTP said that a meeting was held on 8<sup>th</sup> May on disenfranchisement and that the outcome of the meeting was that Government would be looking at how legislation will allow for maximum public consultation, including areas where HMGOG is Landlord.

JH said that changes to legislation take time and asked whether this would be applied to the recently approved masts. DCM said that it is not possible to do this retrospectively.

JH also said that other service providers could also request permission to improve their services. MEH said that there is also pressure from the public for services to be improved.

The Chairman said that the GRA checks that thresholds are kept to and that they confirm that levels are within those permitted.

JH also highlighted that there is a radio mast on top of St John's Court which does not seem to be covered by planning permission. The Chairman said that they do not have a record of a planning application having been submitted and that he would look into this.

**321/14 – Next meeting**

The Commission agreed to next meeting on Friday 20<sup>th</sup> June 2014.