

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 10<sup>th</sup> Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 20<sup>th</sup> June 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)  
*(Chief Technical Officer)*
  
  - Mr G Matto (GM)  
*(Technical Services Department)*
  
  - Mrs C Montado (CAM)  
*(Gibraltar Heritage Trust)*
  
  - Dr K Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*
  
  - Mr J Collado (JC)  
*(Land Property Services Ltd)*
  
  - Mrs J Howitt (JH)  
*(Environmental Safety Group)*
  
  - Mr C Viagas (CV)  
*(Heritage & Cultural Agency)*
  
  - 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:**
- Mr J Mason  
*(Rep Commander British Forces, Gibraltar)*

### **Approval of Minutes**

#### **322/14 - Approval of Minutes of the 9<sup>th</sup> meeting of 2014 held on 28<sup>th</sup> May 2014**

The Commission approved the Minutes of the 9<sup>th</sup> meeting held on 28<sup>th</sup> May 2014.

### **Matters Arising**

#### **323/14 – BA11378 - 7C Engineer Road – Proposed dwelling DAT decision**

DTP recalled that this matter was deferred at the last meeting as the proposed dwelling would be constructed within the nature reserve. He also said that MEH had requested that the matter be deferred to allow time for him to consider the reasons given by the Appeals Tribunal for allowing the appeal. DTP said that the legal advice had also been circulated to members, which states that the Tribunal's view is binding and that there are no strong grounds for a judicial review.

MEH said that looking at the boundaries of the new and extended nature reserve, the building would fall outside the perimeter. He regretted the Appeals Tribunal decision but said that considering the legal advice and the minimal impact of the development, he did not consider that a judicial review is necessary. He said that he would reluctantly have to accept the proposal.

The Chairman clarified that the DPC would have to grant permission for the application as submitted.

DTP said that the Town Planners would like to work with the applicant on the architectural features of the proposal and that this will be included as a condition of the permit.

The Commission agreed that permission would be granted in accordance with the decision of the Appeals Tribunal.

#### **324/14 – BA12946 – 56 City Mill Lane – Proposed demolition of building**

DTP advised that following a site visit no additional information has been provided by the applicant as requested. He said that a Court Abatement Notice for repair or demolition has been issued.

DTP said that the Heritage Trust has highlighted that it is a traditional vernacular building and that they are not convinced that demolition is justified. He said that they would like to view a structural survey report of the building. CAM asked how it would be possible to get the applicant to submit this information.

The Chairman said that since the details requested have not been submitted the Commission cannot issue a permit.

The matter was deferred pending submission of results of a structural survey report.

**325/14 – BA13002 – Referendum House (roof) – Proposed installation of GSM mobile antennas and ancillary equipment**

DTP told the Commission that this application was deferred at a previous meeting as the Commission asked Gibtelecom to explore other possible locations. However, he said that Gibtelecom has reverted saying that they have investigated further but that it is the building itself that is causing the shadow; hence there is no viable alternative.

JH said that this was one of the sites which the ESG was most concerned about as it is a residential area and is near to schools. She said that the proposed location contravenes HMGOG policy and that the ESG maintains their objection.

DCM declared an interest as Chairman of Gibtelecom.

The Chairman said that the GRA has advised that the emission levels are satisfactory and said that it is up to the GRA to ensure that the law is respected.

JC said that members of the Commission are not experts in this field and that they have to rely on the advice of the GRA.

The Chairman said that the Commission also has to consider the aesthetics of these antennas.

MEH said that the Department of Environment does not object to this application but that the Government's objective is to move these masts away from buildings and therefore, HMGOG will have to consider this separately to the Commission.

JH said that the ESG has spoken to Gibtelecom and that they would like to see evidence as to why alternative sites are not viable.

The Chairman said that perhaps Gibtelecom should be given the opportunity to present the alternative sites which have been considered to the Commission and provide reasons why they are not deemed suitable.

DTP said that Gibtelecom's conclusion is that they are unable to use an alternative site as the building itself is causing the problem.

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

6 in favour

1 against

3 abstentions

The Commission approved this application.

**326/14 – BA13021 – Albany House, Town Range – Proposed demolition**

DTP advised that at a site meeting with the Heritage Trust it was agreed that they would not object to demolition as long as the original stone arch is retained. The Chairman recommended approved.

The Commission approved this application subject to the original stone arch being retained.

**327/14 – BA13031 – 2 Market Place – Proposed change of use from retail to take away, extension and creation of 1<sup>st</sup> floor terrace**

DTP said that this application was deferred at the last meeting as the Heritage Trust considered that the accretion to the original building should be removed and that approving this application would add further to that accretion. He said that it was suggested that HMGOG might be able to offer an alternative site. DTP confirmed that no alternative site has been found.

DTP told the Commission that although the Heritage Trust prefers that the building be restored to its original form by removing the extension, they recognise that there are difficulties in doing so. He said that they have agreed that if the Commission approves the application, to work with the applicant to discuss ways of improving the design. He also said that the Heritage Trust has requested that the terrace be excluded from the design as the applicant has indicated that they would be happy to do so.

CAM said that in principle the Heritage Trust would prefer removing the accretions if there were a holistic plan for the area. The Chairman confirmed that there are no plans for the area and that refurbishment was done in 2010.

JH said that the area looks quite spacious in the photos provided but that in reality it is quite cramped and that allowing the extension would further congest the area.

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

1 in favour  
6 against  
3 abstentions

The Commission refused this application.

**328/14 – BA13032 – South Plot, Europort Road – Proposed 5 storey office building**

DTP recalled that outline planning permission was granted for the construction of a 14 storey building in this area but that the permit has expired. He said that the new proposal is for a 6 storey building with 2300m<sup>2</sup> of office space and car parking. DTP said that 3 schemes have been submitted with 2 options; option A the building would project out to the same line as Eurotowers and option B would be set back. He said that the floor space would be the same in all options but that the architectural treatment differs; proposal one has a more curved glazed façade; proposal 2 is architecturally more in keeping with Eurotowers and has rain screen cladding; and proposal 3 is more contemporary and fully glazed with coloured panels.

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DTP said that at the previous meeting the main issue raised was the impact on residents of Eurotowers and the objections received from two tenants who reside on the 6<sup>th</sup> and 8<sup>th</sup> floors.

GM declared an interest as a resident of the estate and said that at the previous meeting he requested confirmation of who is the Landlord of the area which has been earmarked for development.

The Chairman said that the applicant has served notices on the Landlord and that no objections have been received. He said that the matter of who owns the site is irrelevant to the DPC's decision.

JH said that during the site visit it was clear that the area which will be developed is remarkably smaller than what was approved for the previous proposal. However, she said that the green area does look threatened and that she understood residents' concerns.

DCM concurred with JH in that the scale and massing has been reduced. He suggested that since the main concern of the objectors seems to be the height of the building and the terrace, perhaps the top floor or the terrace should be removed.

DTP said that the DPC should bear in mind that planning permission was previously granted for a larger development that included the current site. He said that if the Commission refuses the application it could lay itself open to being accused of inconsistent decision making.

MEH disagreed with DTP and said that it is not acceptable to be bound to previous decisions, as the membership of the Commission is different.

The Commission took a vote on whether to approve development of the site:

6 in favour

1 against

3 abstentions

The Commission approved development of the land.

DTP advised that the Commission needs to consider whether to approve option A or option B. DTP said that from a planning perspective he would recommend option B.

KB said that option B would allow for more planting of trees.

The Commission took a vote on whether the development should be set back with the following result:

7 in favour

1 against

2 abstentions

The Commission approved option B (set back).

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The Commission also took a vote on the three proposals for architectural style with the following result:

Proposal 3 – 4 in favour

Proposal 2 – 5 in favour

Proposal 1 – 3 in favour

The Commission approved proposal 2.

JH suggested that the terrace should be removed from the proposal.

JC said that he would prefer that the users of the building smoke on the terrace rather than on the ground floor outside the building.

The Chairman suggested that there should not be a terrace on the Eurotowers side but that a terrace should be allowed on the southern side of the building. The Commission concurred with his recommendation.

MEH highlighted that the developer should provide for energy efficiency, renewables and swifts.

The Chairman also recommended increased planting.

The Commission approved option B and proposal 2, with no terrace on the northern or eastern side of the building and height restrictions as submitted in the application.

## **Major Developments**

### **329/14 – BA11906 – Governors Parade – Proposed park (HMGOG Project)**

The Commission welcomed Mr Patrick Gomez on behalf of the Government.

Mr Gomez told the Commission that there are two options which include development of the old Theatre Royal site, the Piazzella and the area in front of St Andrew's Church. He said that the proposal is to revitalize the area by beautification and introduction of more greenery.

Mr Gomez said that option 1 is a larger master plan which will be done in phases. Phase A will be the beautification of the park area on top of the car park which has already been completed on the site of the old Theatre Royal. Phase B will be the beautification of the Piazzella and phase C the area in front of the Church. Mr Gomez said that they are working with the designers of Commonwealth Park. He said that they are considering two types of paving and the creation of a green enclosure. He also said that the old boundary wall will be screened with planting. Mr Gomez also told the Commission that a line of greenery will be introduced through the Piazzella area and that paving will be continued throughout. He said that the seating area of the Elliott's Hotel and restaurants in the area will be beautified and retained. He also explained that option 1 removes all parking from the area as 102 parking spaces have been created in the new car park.

Mr Gomez told the Commission that option 2 retains the car park in front of St Andrew's Church. Additionally, he said that with this option there would also be plenty of greenery and

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shading. He said that they will be using a mix of traditional and contemporary materials. The terrace of the hotel would also be realigned and a monument placed in the centre of the square.

The Chairman asked how traffic to the hotel would function. Mr Gomez said that traffic would be moved to the southern end of the site and would be restricted to hotel vehicles only. He said that traffic to the hotel is minimal.

Mr Gomez also said that the Traffic Commission has requested the removal of the parking area north of Governor's Street. He said that 60 motorcycle spaces will be created instead.

JH asked whether the car park provides free public parking. DCM said that it is for private residential use. Mr Gomez said that parking spaces will be allocated to the hotel.

KB said that he had seen earlier plans for this project which included a water feature and asked why this has been removed. Mr Gomez said that they felt that it occupied too much of the usable space.

The Chairman said that from a planning point of view the development will improve the urban surroundings and greenery in the area. The Chairman also said that he would welcome the introduction of a water feature. CV said that this will be looked into.

CAM highlighted that the Victoria Statue is listed and that they should obtain the relevant permits. She also said that she believes that there is a pump at the base of the statue and that the postbox which is in the area should be retained.

DTP suggested that the possibility of using the Air Raid Shelter perhaps for motorcycle parking should be explored. He also said that from past experience they have had issues with restaurants wanting to install canopies after areas have been beautified and recommended that guidance be provided on this.

The Commission did not have any further comments.

**330/14 – BA12904 – Caleta Hotel – Proposed refurbishment of façade, construction of new 5 star hotel, car park, residential and serviced apartments and new residential units**

DTP told the Commission that this application is for the redevelopment of the hotel and construction of residential units. He said that the applicant has requested the opportunity to present the architectural changes that they have made to the proposal following DPC's recommendations.

The Chairman confirmed that they are progressing towards the EIA and that the Commission is not bound to what the applicant would be presenting today.

The Commission welcomed Mr Brian Callaghan and Mr Mario Sequeria.

Mr Callaghan said that they noted concerns raised by the Commission at a previous meeting and said that they have already engaged the EIA report and have been working to take into

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consideration concerns raised. He said that they are not expecting anything from the Commission at this stage but that they wanted to update members on the changes that they have made to their proposal.

Mr Sequeria told the Commission that they have considered the advice received and that they have come up with a final solution which they wanted to present to the members. Mr Sequeria told the Commission that the main changes carried out to their concept design scheme are:

1. Redesign/softening of hotel elevations

Mr Sequeria said that they will be keeping the base of the existing building. He said that their revised design is more elegant and the building is lower and has less of an impact. He said that stone and glazing will be used for the external façade. Mr Sequeria also told the Commission that rooms will have panoramic views from the north façade to the Rock. He also said that there will be a garage and a service entrance on the ground floor and that the entrance will have a modern architectural style, which will be extended to Nuno's Restaurant on the ground floor.

2. Provision of public access to the sea

Mr Sequeria said that the side walk has been increased and access provided to the sea front through a 9 metre gap between the hotel and residential building.

3. Removal of construction between the residential apartments and sea front houses

Mr Sequeria explained that they will be leaving a gap between the apartment building and the hotel in order to reduce volume. He also said that they set back the two upper floors towards the west in order to create green roofs and natural gardens. Mr Sequeria also told the Commission that they have removed the natural pool from their design and have provided an access for sea bathing. He also said that the architecture of the hotel and residential building will be the same. He added that 246 car parking spaces will be created.

4. Reduction of luxury houses by 20%

Mr Sequeria told the Commission that the 5 luxury houses have been reduced to 4 and that they will have a low impact on the site when viewed from road level.

Mr Sequeria also said that energy efficiency methods are being kept as originally proposed.

Mr Callaghan said that they have retained the integrity of the slope by reducing the number of luxury homes. He said that they have incorporated the concerns raised by the Commission and that he thought that the changes which they have made are beneficial to the design.

The Chairman recommended that they submit the revisions as part of their planning application so that the EIA may reflect on these decisions.

Mr Callaghan agreed to submit the revisions within 2 weeks. He said that the EIA should be finalised in approximately 10 to 12 weeks.

The Commission thanked Mr Callaghan and Mr Sequeria.



## **Other Developments**

### **331/14 – BA11650 – Lind House, Europa Road – Proposed dwelling**

DTP advised the Commission that revisions have been submitted in respect of this application following full planning permission granted in May 2011 for the construction of a 5 storey house. DTP said that the owner sold the property and that the new owner has submitted a revised scheme for a single family dwelling which will be smaller than the approved. He explained that the footprint is slightly smaller and that the house which will be 3 storeys plus an attic has been shifted north away from the boundary wall. DTP also said that the proposal includes a car port, landscaping and relocation of the pool. A more Georgian architectural style with contemporary elements has been adopted. DTP also said that the previous application ensured that all of the trees were being retained and said that he would have to check that the revisions do not result in the removal of trees.

DTP said that the Heritage Trust do not have any objections and welcome the fact that it will remain as a single dwelling and will have a Georgian architectural style.

DTP also told the Commission that TSD previously raised issues with vehicular access to the site. He said that they have confirmed that at present vehicles are not able to make a right turn into the site and that this should remain as a condition of the permit.

DTP said that on the basis that it is a smaller scheme with a similar architectural treatment, he would recommend approval. He also said that the architect has confirmed that the boundary wall will be treated as part of the works.

The Commission approved this application.

### **332/14 – BA12290 – 17 Turnbull's Lane – Proposed canopy**

DTP told the Commission that this application is to erect awnings outside the abovementioned premises which are used as a cake shop. He said that they would like to use the awnings to advertise the shop. DTP said that the Subcommittee felt that the awnings would be out of character. He said that there is only one similar awning in Turnbull's Lane and that it is unauthorised.

MEH said that he did not have any objections to the proposal and thought that the canopy would add interest to the area.

JC said that he would not object to it as long as uniformity is ensured.

CAM said that perhaps a sign would look better. The Chairman said that they have the right to put up a flag sign. He said that some tenants use the awnings to break up monotony and add colour.

CV said that as long as there is uniformity it could be beneficial.

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JH asked what the usual policy is and whether these have been refused elsewhere. The Chairman said that there is no policy against these awnings.

DTP said that the design guide of the Development Plan makes reference to Dutch Balloon canopies with stretched fabric as not being in keeping with the character of the old town.

MEH said that something has to be done to attract people to Turnbull's Lane and that whatever is done in the future needs to be consistent with the decision taken today.

The Commission took a vote on this application and all of the members voted in favour of this application.

The Commission approved this application.

**333/14 – BA12744 – Kiosk No 2, Waterport Road – Proposed change of use to takeaway**

DTP told the Commission that the applicant has erected an unauthorised flue which they have painted in order to minimise impact. DTP said that the flue is out of character.

The Chairman said that there are alternatives such as double filters but that these are costly and require maintenance. DTP said that the Commission had considered this application and specifically said that they could not have a flue.

The Chairman asked whether the Commission would like to maintain the condition or allow a flue.

DCM said that both the kiosk and the flue are just as unattractive.

JC said that if there is a solution other than having a flue, the flue should not be allowed.

DTP suggested that perhaps having the flue through the roof itself, like a traditional chimney, would be a better option.

The Commission agreed with DTP's suggestion and decided that the condition should remain until the applicant submits a revised scheme for a flue extending out from the roof instead of abutting on the side.

**334/14 – BA12979 – Sunrise Motel, Devil's Tower Road – Proposed addition of two storeys – HMGOG Project**

DTP advised the Commission that as a result of further works it has been established that cross bracing is necessary to ensure the structural stability of the building. DTP said that bracing will be done on both the external and internal parts of the building. He also said that following a site visit he would recommend that the bracing should be boxed in and finished the same as the façade on the south elevation and painted to match elsewhere.

The Commission concurred with DTP's recommendations and had no further comments.

**335/14 – BA13033 – 85 Governor’s Street – Proposed sub division of shop into two units including external alterations**

DTP told the Commission that the applicant has subdivided the premises into two units and converted a window into a door without planning permission. DTP said that previous similar applications have been refused in order to comply with the Development Plan.

The Commission welcomed the applicant, Mr Alex Trinidad.

Mr Trinidad told the Commission that he bought the shop as two units but that they had been converted into one by the previous owner. He explained that his business was not going well so he decided to convert them back into two units in order to rent one and keep the other as a small office/store. Mr Trinidad said that his lease shows the premises as two units. He also said that the brickwork under the window was not the same as the brickwork of the original building.

The Commission did not have any questions and thanked Mr Trinidad.

GM said that the solution might be to remove the sills on either side of the door which has recently been done to replicate the other.

CV said that he understood why Mr Trinidad has decided to do this but said that if the Commission approves this application they would be moving away from planning policies. He said that the policy clearly aims to protect ground floor facades and said that the Commission has been consistent on policy in the past.

The Chairman said that the Commission will either have to accept the changes and approve or refuse and ask Mr Trinidad to rectify the changes. He also said that from a planning point of view it seems that the door on the other side also used to be a window but had some time in the past, been converted into a doorway

Discussion ensued on the fact that allowing the conversion from window to door would redress the current architectural imbalance.

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

6 in favour  
2 objections  
2 abstentions

The Commission approved this application subject to the protruding window sill being removed and the new door being in keeping with the existing. It was noted that the special circumstances of this case had led to this decision.

**336/14 – BA13037 – 118 Main Street – Application to install air-con unit**

DTP told the Commission that the Subcommittee was concerned with creating a precedent if this application is approved. He said that the air-con unit would be projecting from the façade as it is not possible to have it within a light well. DTP said that to date this has only been allowed on side streets and that it is not an ideal situation. He said that it will have a greater impact on the streetscape in Main Street due to more prominent and extensive vistas being obtained along the length of Main Street

The Commission refused this application.

**337/14 – BA13056 – Ex Mobil Petrol Station, 16 Line Wall Road – Proposed refurbishment and change of use to drive-through take away**

DTP told the Commission that this application is to refurbish the building which has been vacant for many years and change its use to a takeaway with a drive through area. He said that the drive through area will have the capacity to hold 6 cars whilst they order and collect their meal. DTP also said that a mezzanine level will be created for use as an office. There will also be a storage area for the business. DTP also said that all air-conditioning units will be placed at the rear of the property and recommended that all plant and machinery is screened. DTP also told the Commission that the application would need to be referred to the Traffic Commission to ensure that they have no issues with the proposed drive-through.

CV highlighted that the area at the rear of the property has potential for development.

MEH said that the Traffic Commission's view is crucial and agreed with CV in that the area might be developed and become part of the city wall walk. He said that he would hesitate to take a decision without comments from the Traffic Commission.

HM said that TSD has objected on the basis of traffic implications that might be caused by having a drive-through area. He said that tail backs might be created as a result of a higher number of cars than that which the loading bay can hold arriving at the takeaway at the same time.

The Chairman asked how fast the turn around to deliver, order and collect is expected to be. The applicant, Mr Brian Zammit, said that there will be 6 chefs in the kitchen. He said that the advantage to having a drive-through is that in other takeaways people park illegally. He said that cars would be required to adhere to other traffic laws. He also said that he would not expect there to be more than three cars at one time within the drive-through area. Mr Zammit also said that he appreciated that the application has to be considered by the Traffic Commission but said that he would like to have approval for the works so that he can start on these and if the drive-through is not approved, it would just be a normal takeaway.

JH said that she was aware that there had been some objections. The Chairman said that objections were raised after the consultation period and since they were legally out of time they cannot be considered by the Commission unless the application was to be resubmitted.

The Commission deferred this application pending consideration by the Traffic Commission.

**338/14 – BA13059 – 37 Shamrock House, Catalan Bay – Minor alterations and change of use to class A3**

DTP told the Commission that this application is to convert a retail unit into a takeaway. He said that it would involve minor alterations to the interior and the introduction of a flue which would be sited on the side of the building. DTP said that copies of representations and counter-representations have been circulated to members.

The Commission welcomed the objectors Mr & Mrs Calamaro.

Mrs Calamaro told the Commission that they were representing all of the tenants of Shamrock House. She said that they submitted a letter signed by all of the tenants objecting to the proposal on 19<sup>th</sup> May 2014. Mrs Calamaro told the Commission that the flue would be very near to their windows and that they would be affected by fumes and noise. She said that being a takeaway it would be open all day and night. She said that there are elderly people with medical conditions living in the building and that this will affect their quality of life. Mrs Calamaro said that they will not be able to live there with the fumes so close to their windows and patio areas. Mrs Calamaro confirmed that these are Government housing properties.

The Commission did not have any questions and thanked Mr & Mrs Calamaro.

DTP said that counter-representations received from the applicant highlight that there are other food establishments within 40 metres of the area and that they will be using a filter extraction method. They have also highlighted that they will be refurbishing the building and the area.

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

0 in favour  
9 against  
1 abstention

The Commission refused this application.

**339/14 – BA13064 – 8 South Pavilion Road – Proposed beautification to rear garden and swimming pool**

DTP said that the application is to create a patio, terrace and swimming pool on different levels. He said that there is a tree on the site boundary which could be affected.

DTP said that TSD has referred to the possible existence of a storm water pipe which would need to be protected.

DTP said that although previous similar proposals have been allowed for this area, attempt has been made to try to minimise the loss of open areas by not allowing covering over of the whole area. DTP recommended that part of the terrace area is retained as a garden area.

KB highlighted that the works would compromise the roots of the Oak Tree.

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The Chairman said that since previous applications for a portable plunge pool and minimal decking were approved, the Commission could approve on the same basis.

The Commission concurred with the Chairman's recommendation and agreed that the Town Planners should guide the applicant to submit a revised scheme similar to the one previously approved.

**340/14 – BA13067 – 280 Main Street – Proposed shop refurbishment**

DTP said that unauthorised works have been stopped by the Town Planning Department. He said that the proposal is for refurbishment and internal alterations. DTP said that the existing framework is being replaced with a stainless steel shop front and the introduction of black paneling.

DTP advised that the Landlord has objected to this application but said that the Commission is not party to landlord issues. He said that although this issue seems to be partly resolved another issue could materialise as the Landlord does not want the entrance area to his property to be refurbished and therefore, could result in the façade having different treatments. DTP said that this would not be acceptable from a planning perspective. DTP also recommended that all accretions should be removed.

The Chairman suggested that it might be better to remove the existing paneling and re-render.

The Commission approved the application subject to the removal of the existing cladding and re-rendering/painting, removal of all signs, and the whole ground floor frontage being treated in a uniform manner.

**341/14 – BA13068 – 11/13 Hospital Steps – Proposed refurbishment, additional storey (pt) and change of use to church**

DTP said that the proposal is for refurbishment of the property and the construction of an additional storey. He said that representations received from a neighbour have been circulated to members. DTP welcomed the refurbishment as the building is dilapidated. He said that internal alterations will be made to the ground floor including the removal of partitions and the replacement of windows and doors to match the character of the building. He also said that minor alterations will also be carried out on the second floor and that the applicant is proposing to fill in part of the upper storey to create a residential unit. All fenestration will follow existing.

DTP said that objections are on the basis that the neighbour does not want any more buildings to be constructed in front of his property. DTP said that the applicant has confirmed that the new storey is only marginally higher than the existing wall.

DTP confirmed that there are no planning objections to this application.

MEH said that swift nests should be integrated as part of the project.

CAM highlighted that details of materials for fenestration have not been provided.

The Commission approved this application.

**342/14 – BA13072 – 81/83 Governor’s Street – Proposed extension and alterations to ground floor stores**

DTP said that the proposal is for minor internal alterations to existing stores and an extension to an internal patio.

DTP said that an objection has been received from an existing resident who claims that they have been able to enjoy use of the patio for years. He has objected to the removal of an open area and planters. DTP said that the objector has also made reference to the Public Health Act which he says states that yards cannot be used for commercial use. The objector is also concerned that people might be able to access his windows by climbing on to the roof of the proposed extension.

DTP also told the Commission that counter-representations have been received from the applicant highlighting that the area has an accumulation of refuse and that although they have tried to beautify the area in conjunction with the residents, the objector has never been interested in assisting.

DTP said that the Heritage Trust considers that allowing the extension would result in the loss of an original feature of the old town.

DTP said that in the past, permission has been granted to enclose some internal patios but that it is an original feature of the old town.

The applicant, Mr Joe Pilcher, told the Commission that it is more of an access corridor to four stores and a light well, than a patio. Mr Pilcher said that of the five tenants only one has objected. He said that the others also feel that the refurbishment will be an improvement. Mr Pilcher also said that access will be widened to accommodate a flowerbed and a second security door will be installed.

The Chairman asked who owns the patio. Mr Pilcher said that it is a freehold property which he bought from the liquidators with the only condition that he had to give access to the tenants. He said that the patio is his and that it is dilapidated and in need of a refurbishment.

Mr Pilcher also said that he has had interest from businesses and residents of the area who are in need of stores. He said that there will not be a lot of movement in and out of the stores and that the security door will ensure that users cannot access the flats.

CAM said that the patio is larger than a light well and that it could be cleared up and kept as an open area. CV concurred with CAM and said that the applicant should be careful as light wells are used for passive ventilation and enclosing it might cause the stores to become damp.

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

2 in favour

5 against

3 abstentions

The Commission refused this application.

**343/14 – BA13074 – 29/37 Engineer Lane – Proposed demolition of building**  
**BA13083 – 29/37 Engineer Lane – Proposed new 50 bed hotel**

DTP suggested that the Commission should consider the application for demolition and the application for the proposed new hotel simultaneously.

DTP said that the Heritage Trust has requested permission to address the Commission on the aspects of the demolition. The Commission welcomed Mr Richard Labrador and Mr Michael Smith.

Mr Labrador said that at the meeting in which the Commission took a vote to approve demolition of the existing building, the structural engineer addressed the Commission and said that the building was structurally unsafe and recommended demolition. He said that at the time MEH said that if the recommendation was for demolition there was little that the Commission could do and said that we had failed by allowing it to deteriorate to such an extent. Mr Labrador also said that MEH has now formed a Committee to address this issue and to ensure that buildings are not allowed to deteriorate to such an extent where they require demolition.

Mr Labrador told the Commission that members of the public have offered to help in financing a legal challenge to oppose demolition. He said that one of the conditions of the permit is that the Heritage Trust had to be allowed to photograph and assess the building and that in doing so they have come to the conclusion that the structural damage was not as severe as previously considered. He said that the Heritage Trust had been advised to wait for the application to be put to the Commission again so that they may have the opportunity to address members. Mr Labrador said that he thought that the decision to allow demolition was based on the fact that they thought that the structure was unsafe but that the Heritage Trust believes that it is not. He asked whether the Commission could appoint their own engineers to assess the condition of the building. He also said that if they can prove that it is not unsafe, the Commission should reconsider and take another vote. He said that demolition will not only result in the loss of this building but perhaps others in the future, and that Gibraltar will end up losing its traditional buildings.

MEH asked whether the Heritage Trust is claiming that the engineer's report is flawed. Mr Labrador said that they do not think that it is as structurally unsafe as feared. DCM said that from viewing the premises the Heritage Trust's impression seems to be that the report could be flawed.

DCM said that he was not present when the decision was taken but that there were other concerns which were taken into account, for example that no action will be taken by the developer if demolition is not allowed.

Mr Labrador said that ideally they would like to keep the building as it is but that since this is not possible, they could compromise at least by keeping the front façade. Mr Labrador said that they have said all along that they would accept demolition of the rear as long as the front façade was maintained.



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KB said that if the Commission appointed an engineer it would set a precedent and that it should be the Heritage Trust that appoints the engineer if they want to carry out an independent survey. Mr Labrador said that if the Commission does not want to appoint an engineer, they will do so.

JC said that the general view was they if they have to keep the front façade they will not proceed and the building will remain derelict and end up falling to pieces by itself.

KB said that the Heritage Trust is entitled to receive independent professional advice.

GM said that they would require the authority of the Landlord. He said that in his opinion the Heritage Trust is placing unreasonable conditions on the Commission.

Mr Labrador said that they are requesting authority to carry out a survey. MEH said that demolition would have to be delayed. The Chairman said that it would be necessary to present every point against demolition in order for the Commission to reconsider.

The Commission did not have any further comments and thanked Mr Labrador and Mr Smith.

The Commission welcomed Mr Mesod Belilo (applicant's structural engineer) and Mr David Richardson (applicant's building surveyor).

Mr Belilo said that he had been commissioned by the applicant to carry out a condition survey of the building. He said that he has the upmost respect for the Heritage Trust but that he has to take exception to what they are saying as they are questioning his professional integrity. He said that he has over 40 years of experience working both in Gibraltar and abroad and that his professional integrity has never been questioned. Mr Belilo said that he stood by his report. He said that the building is unsafe but that to retain it is not impossible but prohibitively complex and expensive. He said that he has had other similar experiences such as the refurbishment of the Magistrates Court building. Mr Belilo said that the front façade is 20m long and 9m high and that it is an empty façade as the windows and doors have been removed. He said that there is no lateral support and that the roof terrace slab is in an advance state of decay. Mr Belilo said that he stands by his words that the façade is in a bad structural condition and in a high degree of risk of collapse.

Mr Richardson told the Commission that he has read the Heritage Trust's newsletter and report. He said that report that he prepared has been misconstrued to the point that his opinion has been questioned. Mr Richardson said that the Trust's report fails to mention that two assessments were carried out by the developer, one to repair 52 rooms and another to rebuild 63 rooms. He also said that they have only considered the land for use as a hotel and not residential or office use. Mr Richardson asked whether the Commission could provide him with the name and qualifications of the surveyor who prepared the report for the Heritage Trust. He highlighted that there are some errors in the report and that some photos do show structural failure. Mr Richardson said that the floor coverings are rotten to the point that they can fall through. Mr Richardson also said that he stands by his view and that he will in fact be using this building as a great example of a deteriorated building.

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CAM said that the Heritage Trust is not trying to throw anyone's professional integrity into doubt and that the applicant's arguments are based on condition whereas their argument is based on feasibility.

DTP said that Mr Belilo has confirmed that retaining the façade would be complex and expensive with a high degree of possibility of collapse. He asked Mr Belilo if he could quantify this. Mr Belilo said that they would have to shore it up as there is a high risk of collapse and that this will impede traffic and pedestrian access.

MEH said that the Commission is dangerously revisiting a discussion already had.

KB said that as much as he would have liked to keep the façade this is not what was brought before the Commission today.

MEH said that the building has been allowed to deteriorate to a terrible state. He confirmed that a Committee has been set up to prevent this from happening in the future. He also said that at the previous meeting there was discussion on the feasibility of maintaining the façade and that it was agreed that if the Commission refused the application for demolition, the applicant might decide not to proceed with the redevelopment. He said that the decision was not taken purely on the structural integrity of the building.

KB said that he did not think that the Commission could change their decision without evidence from another report.

The Chairman said that the Heritage Trust has time to carry out the survey until the day when he signs the demolition permit.

CAM said that they would require access to the premises. The Chairman said that the Heritage Trust would have to seek permission to access the building from the Landlord. CAM said that the Heritage Trust wants their continued objection to be put on record.

DTP said that outline approval was granted which included the demolition of the building. He said that the application currently before the Commission is on the technicalities of the demolition works. DTP said that demolition was not approved solely on the structural condition of the building and that various other factors were also considered.

*At this point JH left the meeting.*

DTP advised that the applicant's architect would be presenting the changes made to the proposal as part of the full planning application which is to be considered by the Commission at this meeting.

The Commission welcomed Mr Patrick Gomez and Mr Peter Durrant.

Mr Gomez said that the project is the same as previously approved. He said that the project is sympathetic to the surroundings and that they have addressed the issue of scale, proportions and aesthetics. He said that the plinth on the lower level will be clad with stone and that there will be

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a porte-cochere. Mr Gomez also said that they will be using an insulated render system with simplified styling up to the 5<sup>th</sup> floor. The top floors will be set back with a terrace and curtain glazing. Mr Gomez also told the Commission that they are considering rain screen cladding as an option for the side facades. Mr Gomez also said that they will be constructing a courtyard in the area beside the hotel which is currently used as parking. He said that they will be using traditional style paving and that access to the private car park and the upper town area will remain.

Mr Durrant said that they are in discussions with HMGOG regarding the car park area and that they have agreed on a two year licence and lease thereafter, on the condition that they complete the project on time. He also said that they will be providing a loading/unloading bay for shops in the area and that they will be liaising with shop owners on their requirements. He also said that the courtyard area will have seating and will be maintained by the hotel.

Mr Gomez also highlighted that they have extended the rain screen cladding down one floor to achieve extra cover in the courtyard and extra room space. He also said that the restaurant and bar on the upper floor will be open to non-hotel guests.

DCM clarified that access for vehicles to the air raid shelter needs to be allowed and that this is not shown on the plans provided.

DTP also highlighted that the existing loading/unloading area is not shown on the plans. Mr Durrant said that at least three of the parking spaces which they will be creating will be for loading/unloading use only. The Chairman suggested that the applicant contacts the Highways Department on this.

DTP also asked where the refuse area will be relocated to. Mr Gomez said that the new car park includes a large refuse area. MEH said that there have been representations from residents of the area on the provision of refuse areas and that the public refuse area would have to remain in this area.

KB asked whether the motorcycle bays would be reprovided. Mr Gomez said that at the moment they are not making any provision for this. He said that they would destroy the open space if they squeeze in more vehicles.

GM said that they shouldn't miss the opportunity of providing views from the rear of the building towards the rock.

CAM said that an Archeological Watching Brief should be carried out. MEH also highlighted that they need to ensure the integration of energy efficiency, renewables and swift nests.

The Commission took a vote on the application for a proposed new 50 bed hotel with the following result:

7 in favour

2 against

The Commission approved this application.

**344/14 – BA13091 – Area adjacent existing car park, Sir Herbert Miles Road – Proposed single storey café/shop with terrace**

DTP said that the proposal is for a single storey café with a terrace area with glazed balustrading. DTP said that the proposal includes the beautification of the area to provide footpaths and picnic areas.

MEH said that he opposes construction in an area of natural coastline which is one of the few remaining unspoiled areas in Gibraltar. KB concurred.

JC highlighted that there is no parking in the area as the parking bays are reserved for residents of Sandy Bay.

CAM said that she agreed with MEH in that this area should be kept natural.

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

0 in favour

7 against

2 abstentions

The Commission refused this application.

*At this point MEH left the meeting.*

**345/14 – BA13080 – 10a Gardiner’s Road – Application to construct a single storey extension.**

DTP said that the proposal is to construct a single storey extension above two other storeys at road level. He said that it will be slightly higher than the adjacent building and that the property will be the first to have three storeys above road level in this area of Gardiner’s Road.

The Commission requested a photo montage and deferred this application.

**346/14 – BA13088 – Inces Hall, 310 Main Street – Proposed change of use to bank – HMGOG project**

DTP said that this application is for the internal and external refurbishment of a historic building. He said that one Eucalyptus Tree has to be removed but that additional planting will be provided in the courtyard area. The roof will also be replaced as it has asbestos and glazing will be installed in existing openings.

DTP said that the Heritage Trust prefers the casements on the upper windows to be retained and more traditional style doors to be installed on the ground floor. They also prefer flanking walls to openings to be kept. DTP also said that the Heritage Trust has requested that original features such as railings are retained.

CV said that casement windows create security issues. He also thought that openings with glazing would look more elegant.

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The Chairman said that the Commission often places restrictions on private applicants and that they should be consistent even with HMGOG applications.

CV also said that the Heritage Trust wants brick features to be exposed but that since the ceiling will be brought down by about a metre, only half of the arch will be exposed. He said that this would not look aesthetically right.

CAM said that maintaining a truncated arch defeats the purpose but that it could be a feature in the future.

The Chairman asked whether the proposal includes the refurbishment of the Line Wall Road façade. CV said that accretions will be removed from the alleyway beside the premises but that the main emphasis of the refurbishment will be internally and on the courtyard.

The Chairman suggested that they place a fountain in the middle of the courtyard. CV said that they will look into this.

The Commission did not have any further comments.

**347/14 – BA13105 – Rear of Block 3, St Bernard’s Hospital – Proposed diversion of twin diameter seawater rising mains – HMGOG project**

DTP said that this application is for the construction of a single storey extension. He said that the external finish will replicate the existing exterior of the hospital building. DTP also said that there will be a gap of 3 metres between the end of the extension and the boundary wall to allow access for emergency vehicles.

The Commission did not have any comments on this application.

**348/14 – BA13116 – Hesse’s Pumping Station, Landport Ditch – Proposed diversion of twin diameter seawater rising mains – HMGOG project**

DTP said that they will be re-routing the main water pipes which provide seawater to Moorish Castle Estate. He said that this is a pivotal infrastructure improvement required as a result of a recent failure. He also said that the water is pumped from the north mole up to reservoirs through here and that the pipes extend in to the bastion, rise up the wall of Grand Battery and through another chamber which is not visible externally. DTP said that the existing pipe is around 50 to 60 years old and cast iron. He said that the new pipe will only be visible in one area and that it would be better to paint it than to box it in. DTP also said that any redundant structures/pipes would be removed including the rusty fencing around the area which is no longer required.

CAM said that there is a net gain in removing the redundant pipes. She also said that since they only received the information the day before the meeting she had been unable to refer it to the Heritage Trust board and therefore, requested that they maintain contact just in case the Trust needs to refer comments.

The Commission did not have any further comments.

**349/14 – Parliament House – Proposed lift – HMGOG project**

DTP said that this item had been removed from the agenda.

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

**350/14 – BA11718 -59/61 Irish Town – Proposed additional 1 & ½ storeys and conversion of building into offices**

The Commission approved this application.

**351/14 – BA12299 – 83 Catalan Bay Village – Proposed change of use from stores to residential**

The Commission approved this application.

**352/14 – BA13050 – 15/2 South Barracks Road – Application for new extension to existing kitchen**

The Commission approved this application.

**353/14 – BA13066 – Naval Hospital Road – Proposed installation of active cabinet**

DTP said that TSD requested that this cabinet be relocated as the road is too narrow.

The Commission approved this application.

**354/14 – BA13075 – 6 Armstrong Steps – Proposed internal alterations and change of use from storage to create maisonette**

The Commission approved this application.

**355/14 – BA13081 – 2-4 Benzimra’s Alley – Proposed change of use of 1<sup>st</sup> floor residential to office use**

The Commission approved this application.

**356/14 – BA13089 – Sandy Bay – Proposed beach kiosk**

JC asked whether the kiosk will be inspected as it has already been constructed and is unsightly. DTP said that he would refer this to the Building Control Department.

The Commission approved this application.

**357/14 – BA13107 – Former BMW Car Showroom, Bayside Road – Proposed change of use to World Trade Centre site office/marketing office**

The Commission approved this application.

**358/14 – BA13109 – Western Beach – Application to construct beach cafeteria**

The Commission approved this application.

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

**359/14 – Ref N/002/14 – Penny House, Naval Hospital Road – Application to remove rubber tree**

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

**360/14 – Red N/004/14 – North Mole Road – Application to remove Tamarisk tree**

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

**361/14 – Red 1198/026/14 – Upper Rock (various locations) – Proposed traffic signs**

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

**362/14 – Ref 1198/023/14 – Landport Bridge/ Market Place/ Princess Amelia/ Anne's Batteries – Macaque awareness**

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

**363/14 – Ref 1198/022/14 – Coach Park/ Cruise Terminal/ Airport/ Four Corners – Macaque awareness signs**

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

**364/14 – Naval Grounds – Proposed replacement of signs**

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

**365/14 – Ref 1198/015/14 – Unit 23 Leisure Island – Proposed replacement of existing signage**

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

**366/14 – Ref 1198/014/14 – 5-7 Main Street – Proposed new signage**

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

**367/14 – 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.

**368/14 – BA11659 – 74/5 Governor's Street – Revised plans**

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

**369/14 – BA11811 – La Rotunda, 4-16 Winston Churchill Avenue – Proposed alterations**

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

**370/14 – BA12169 – 39 Marina Views, Glacis Road – Proposed relocation of rear a/c unit and new louvers**

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

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**371/14 – BA12298/ 9 Line Wall Road – Revised plans**

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

**372/14 – BA12332 – 2 Giro’s Passage – Proposed minor internal alterations**

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

**373/14 – BA12529 – Jyske Bank Ltd, 76 Main Street – Proposed banner**

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

**374/14 – BA12596 – 1-2-14 Oleander Court, Sir William Jackson Grove – Proposed awning**

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

**375/14 – BA12725 – 41 Naval Hospital Road – Proposed minor alterations to premises**

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

**376/14 – BA12742 – La Rotunda, 4-16 Winston Churchill Avenue – Proposed extension (amended drawings)**

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

**377/14 – BA13061 – 29/1 Hospital Ramp – Internal alterations**

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

**378/14 – BA13070 – Flat 106, First Floor, Nelsons View – Application to convert boiler room to WC**

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

**379/14 – BA13076 – 8 Watergardens (Ramsons) – Proposed installation of ATM**

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

**380/14 – BA13077 – Unit 23, Leisure Island, Ocean Village (Casino) – Proposed conversion of two internal areas into smoking areas**

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

**381/14 – BA13078 – 8/9 Ramadge’s Court – Internal alterations**

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

**382/14 – BA13079 – 221-222 Mauritania, Both Worlds – Proposed air-conditioning units**

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

**383/14 – BA13084 – 93 Main Street – Proposed shop refurbishment**

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

**384/14 – BA13085 – Apt 203, Block 1, Europlaza – Proposed internal alterations**

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



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**385/14 – BA13086 – Unit 3, Lathbury Barracks Industrial Estate – Proposed internal alterations**

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

**386/14 – BA13092 – St Jago’s Stone Block – Proposed new a/c units**

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

**387/14 – BA13093 – 12 Britannia House, Marina Bay – Internal alterations/ relocation of air-con and enclosure of balcony**

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

**388/14 – BA13095 – 418 Nelson’s View, Rosia Road – Proposed internal alterations**

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

**389/14 – BA13101 – 36 Limonium House, Westview Park – Application to install glass curtains**

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

**390/14 – BA13104 – 323 Main Street – Refurbishment of building to function as new Gibraltar Savings Bank**

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

**391/14 – BA13108 – 3a Leisure Island Business Centre, Ocean Village – Application to convert existing office into two office units**

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

**392/14 – BA13110 – 49 Governor’s Street – Proposed canopies**

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

**393/14 – BA13123 – 1 Main Street – Application to install new concertina security shutter**

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

**Any other business**

**394/14 – BA12249 – 2 Highbury Terrace, Europa Road**

DTP said that the proposal is for the construction of an outhouse and pergola. He said that the outhouse will be built up to the boundary wall but that a clearance area is being allowed as per TSD recommendations.

The Commission approved this application.

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**395/14 – BA13008 – Buffadero Camp**

DTP said that this application by Gibtelecom for an antenna at the Buffadero Camp site was deferred at a previous meeting but that the MOD has now confirmed that it does not interfere with their systems.

The Commission approved this application.

**396/14 – Next meeting**

The Commission agreed to next meeting on Thursday 24<sup>th</sup> July 2014.