

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 8th Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 24th April 2014 at 09.30 am.

- Present:**
- Mr P Origo (Chairman)
(Town Planner)

 - The Hon Dr J Garcia (DCM)
(Deputy Chief Minister)

 - The Hon Dr J Cortes (MEH)
(Minister for Environment & Health)

 - Mr H Montado (HM)
(Technical Services Department)

 - Mr G Matto (GM)
(Technical Services Department)

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

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

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

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

 - Mr J Mason (JM)
(Rep Commander British Forces, Gibraltar)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Miss K Lima
(Minute Secretary)

 - Mr K De Los Santos
(Land Property Services Ltd)
- Apologies:**
- Mr J Collado (JC)
(Land Property Services Ltd)

Approval of Minutes

149/14 - Approval of Minutes of the 6th and 7th meetings of 2014 held on 8th and 10th April 2014 respectively

The Commission approved the minutes of the 6th meeting held on 8th April 2014.

JH said that she would like some amendments to be made to the minutes of the 7th meeting and asked for approval to be deferred until the next meeting to be held on 29th May. This was agreed by the Commission.

Matters Arising

150/14 – BA12946 – 56 City Mill Lane – Proposed demolition of building

DTP informed the Commission that this item was deferred previously pending a site visit to be held. He said that following the site meeting, a report on the structural condition of the building is pending and asked that this matter be deferred.

151/14 – BA12958 – North Gorge – Proposed electricity cable run up cliff face from North Gorge to Cheshire Ramp

DTP advised the Commission that approval to run a cable up the cliff face from North Gorge to Cheshire Ramp was previously approved by the Commission but the request to install a gantry for maintenance purposes was refused.

The Commission welcomed Mr Alex Walker on behalf of the applicant.

Mr Walker told the Commission that Gibelec had advised them that they require the gantry as the 11k volt cable needs to be inspected and maintained. He said that the gantry will be constructed with non-corrosive material and can be any colour as required to conceal it. He said that the cable will service the new development at Buena Vista, the Married Quarters and any future development in North Gorge.

The Chairman said that the Commission had concerns for the safety of children who might climb on to the gantry. He asked how it will be cordoned off. Mr Walker said that he would have to request details on this but that perhaps it could be accessed by a ladder which could be raised a few metres off the ground.

DCM asked Mr Walker who he represents and whether alternative routes for the cable have been considered. Mr Walker said that he represents BV Homes and that three alternative routes were considered but that this was considered the most viable option. He said that the cable is to service their new development but also the adjacent estate.

The Chairman asked Mr Walker why it is not possible to connect the new development to the existing infrastructure at Buena Vista. Mr Walker said that the existing infrastructure is not of the capacity required. DTP confirmed that Gibelec had informed him that 3-phase is required and the existing services are 2-phase. The Chairman questioned why the existing cannot be upgraded.

Approved
DPC meeting 8/14
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CAM said that there is a chimney stack in the area and perhaps it would be useful to investigate whether the cable could run through it. Mr Walker said that the proposed route is not near the chimney stack. MEH said that if it were inside the chimney stack it would not be visible but Mr Walker said that if they place it within the chimney stack they would have to bridge the gap. The Chairman said that this may affect the North Gorge development.

The Commission did not have any further questions and thanked Mr Walker.

DTP said that at the last meeting the main concern was that the structure will deteriorate but that Gibelec has confirmed that it is not in their interest for this to happen. He said that the visual intrusion will not be significant as it will be hidden by vegetation. DTP said that Gibelec and the developer have been discussing the need to provide supply for the last two years and that this is now urgent as phase one of the new development has been completed and electricity cannot be provided to homes until these works are done.

MEH highlighted that comments made by the Department of Environment should be taken into account.

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

4 in favour

1 against

4 abstentions

The Chairman cast his vote in favour of this application.

The Commission approved the request to install a gantry.

Major Developments

152/14 – BA10724 – 6 Bayside Road – Proposed 8 storey office building and car park

DTP advised the Commission that the applicant has submitted a revision to their proposal.

The Commission welcomed the architect Mr Kevin Heaver.

Mr Heaver told the Commission that the footprint, height and mass are the same as when they obtained planning permission in 2011. He said that since then improvements have been made to the design. Mr Heaver explained that the non-office parking and car dealership have been removed from the site. He said that an atrium has been included in the design which will allow light and air into the building. He also said that the building entrance has been relocated to a more prominent entrance on Bayside Road and that the building foyer has been enhanced and made larger with a meeting area and café on a mezzanine level. Mr Heaver also said that they will be upgrading the east and west elevations so that they are more like the south elevation. He said that they have a good reputation for introducing high quality landscaping into their designs. He also said that at a meeting with the ESG it was suggested that a row of trees could be introduced in front of the building and that the client is keen to do this.

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MEH said that in a previous report presented by the developer, probably back in 2011, it was stated that renewable energy options were not possible. He said that the Government is keen on renewable energy and that the developer should revisit this. Mr Heaver said that the architects concluded that renewable energy sources such as solar thermal were not economically viable but that they had already been asked to review this. He said that they will be looking at PV and solar thermal energy.

MEH said that he finds it hard to believe that in 2014 solar panels are not economically viable and recommended that the DPC includes this as a condition of the permit. The Chairman said that this is a standard condition of permits. DTP said that the developer is considering various green technologies including rain water harvesting and thermal controls.

JH advised the Commission that the ESG met with the developer and discussed their concerns with regards to the impact of the development on the area. She said that they had agreed that the applicant should have discussions with the other users of the area which could be affected including Bayside School and the sports complex. Mr Heaver confirmed that they will be contacting other users of the area and that they have already spoken to the MOD on airport issues. He said that the meeting with the ESG was constructive and that the developer seems keen to implement procedures to minimise negative impact.

JH also highlighted that parking will be affected and that although the use of public transport is being encouraged, parking is something that also has to be taken into consideration. Mr Heaver said that parking is a complicated issue but that it will be addressed by Ocean Village. He said that as a temporary measure the developer feels that the Devil's Tower Road car park is under utilised and would represent an excellent temporary solution. JH said that it is not easy to cross from Devil's Tower Road to reach Bayside Road and that this would cause safety issues. GM questioned how the developer will account for a deficit of 325 parking spaces and tie this in with all the other issues.

DCM clarified that from a Landlord's point of view HMGOG was concerned with some of the issues included in the Composite Agreement which was signed by the previous administration. He said that one of these issues was parking and that it has been agreed that the site by St Anne's school would be used as temporary parking to take into account the loss of parking as a result of the new development, as well as historical parking issues. He said that this arrangement will also decongest Bayside Road.

JH asked whether both sites will be developed at the same time. Mr Heaver said that development of the site by the Tercentenary Hall will commence in August. The other site he said is owned by HMGOG.

The Chairman asked whether the footpath adjacent to the Tercentenary Hall will be affected and whether the building line is the existing fence. He said that the footpath is completely pedestrianised at present. Mr Heaver said that they will be redeveloping the road and that the current boundary line is the fence. He said that the GSLA is happy with their proposal in terms of access to their car park. He also confirmed that a proper footpath will be demarcated and traffic calming measures introduced.

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DCM highlighted that the development already has planning permission and that it is before the DPC for approval of the improvements made and the relocation of parking to the other site.

The Commission did not have any further questions and thanked Mr Haver.

DTP asked the Commission to consider the revisions made to the approved scheme including changes to the floor plates and internal arrangements following negotiations with private entities and HMGOG. He said that by removing the car showroom a more cohesive layout has been obtained. He said that the vehicle access scheme remains the same. In terms of the architectural design, DTP said that there will be three levels of car parking with offices above. He said that personally he thought the revised proposal is a vast improvement on the design. He said that the entrance and the Marina Bay façade have been improved by relocating it and introducing curtain glazing and rain screen cladding. DTP also told the Commission that the 325 parking space deficit takes into account future development of the other site and that this loss will be met in existing Ocean Village facilities and the new development. He said that the applicant's lawyers have confirmed that they have a binding agreement with Government. DTP recommended approval.

MEH said that renewable energy and the use of the roof space for this should be a condition of the permit.

DTP said that the original aeronautical study is being reviewed but that the Director of Civil Aviation does not anticipate any major problems. He said that details on solar panels would have to be referred to him for his comments.

JH said that the ESG has had long discussions with the applicant and that if they consult everyone in the area they will have done the best that they can do.

The Commission approved this application.

153/14 – BA12904 – Caleta Hotel

The Chairman advised that his EIA scoping opinion was circulated to members and that subject to anyone wanting to add something to the report, it would be passed on to the applicant. He said that his report considers various issues including the impact on landscape/townscape, traffic, navigation, air quality, water quality, transboundary effects, cumulative effects, heritage and legislation.

JH highlighted that she had not received the Chairman's scoping opinion which was circulated via email and that she had not had a chance to view the report.

The Chairman said that he was not aware that JH had not received his report. He apologised for the error but that he would rather that he would not be held back from sending the report to the applicant because of this. He also said that he is not legally required to present it to the Commission but that it has been his decision to do so. He said that JH would still be able to comment on the report.

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JH said that she felt that this development is significant in terms of the eastside and what it represents. She said that for example the photographic evidence provided is not sufficient and that there should be a decision on the general policy and plan for the area. The Chairman said that policy decisions would be taken later in the planning process and decision making.

DTP suggested issuing the report and if JH finds anything that she would like to highlight, an addendum can be made.

MEH said that there will not be any implication on the outcome of the proposal based on the decision taken at this meeting. He said that it will still be possible to discuss issues which may not be included in the report and which the Commission feels are important.

The Commission agreed that the scoping opinion should be forwarded to the applicant. The Chairman agreed to send a copy of his report to JH.

154/14 – BA12976 – Europa Point – Proposed construction of football stadium

DTP advised that the Town Planner's Scoping Opinion states that he accepts the report prepared by the applicant's environmental consultants but that other matters should also be assessed including the view from the upper rock, relocation of the lighthouse, traffic assessment, environmental impact and traffic. He said that he has been advised that it will take eight weeks for the environmental assessment to be finalised. He also said that it has been emphasised that the possibility of alternative locations has to be addressed.

MEH welcomed the assessment of alternative sites.

GM asked whether they have been requested to include building materials and fabrics in their assessment. DTP said that he did not recall whether this had been highlighted as an issue to be considered but that the applicant had made references to materials in their submissions.

The Commission did not have any further comments.

155/14 – BA12098 – 1b Engineer's Road – Proposed detached house

DTP advised that a permit for this application was issued in September 2012 but revised plans have now been submitted by the applicant. He said that an objection has been received from the resident of the adjacent property.

DTP said that the building is being demolished and rebuilt as a single dwelling. He said that revisions include changes to the entrance area and squaring off at the back. He said that a semicircular glazed feature has been removed from the front elevation and a much more linear frontage created. Projections and features on the façade of the upper level have also been removed. DTP also said that the introduction of a terrace area on the side of the building would be up to the boundary line and that there is concern that this will result in overlooking; DTP recommended that this is not allowed.

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DTP highlighted that he has received reports from building inspectors suggesting that what is being presented to the Commission is not exactly what is being built.

The Commission welcomed the objector Mr Harrison.

Mr Harrison told the Commission that they have had use of a passage on the side of their building for 22 years and that the applicant is now claiming that part of this passageway is his due to a rectification of deeds. He said that they use this passageway for access for maintenance and plumbing services and that the applicant has now decided to take their building all the way up to his wall and encroach on to his land. Mr Harrison said that he has been having problems with the applicant for a year, during which they have been promising to make amendments and show him their drawings, but that nothing has been presented to him. Mr Harrison said that he objects strongly to the terrace alongside his wall.

The Chairman said that the DPC is not responsible for the issues with regards to boundary lines and that this is a matter for the Landlords and LPS. He recommended that Mr Harrison takes this up legally with the applicant. He also said that if LPS can confirm that the land is not the applicant's, the DPC cannot consider the development but that facts are needed as otherwise the Commission could be judicially reviewed.

KD told the Commission that he met on site with both parties. He said that the developer is using the original deeds but that there was a deed of rectification, hence they are working with old drawings.

The Chairman said that boundary disputes will be noted but that facts are needed and that this should be addressed quickly. He said that the applicant will also be informed of issues with encroaching windows and that Mr Harrison should take up the issue of access to services with them formally. The Chairman also suggested that Mr Harrison visit the Town Planning office so that they may take note of issues and raise them with the applicant. In view that Mr Harrison was going to be away from Gibraltar, the Chairman asked that another resident visits the Town Planning Office as they can only act on written representations.

JH said that given that KD has highlighted that the deeds were changed, Mr Harrison should be given more time. The Chairman said that he would be given time but that concrete evidence is necessary to stop development.

DTP said that development can be stopped if the Commission agrees to it, as what they are building is not what was approved.

The Commission agreed that development should be stopped on the basis that they are not following the approved plans.

A decision on the revised plans was deferred.

156/14 – BA12100 – 4th floor car park, Block 4, Eurotowers – Proposed conversion of existing 4th floor car park into commercial/office units

DTP advised that the applicant has submitted a minor revision to their application. He said that they are proposing to remove the lift structure and use the area as additional office space. He also said that there will be a marginal difference in the heights of the roof.

DTP told the Commission that contrary to the previous scheme, windows will be introduced in the north and south elevations which means that some windows will overlook apartments. He recommended that opaque glazing is made a condition. The Commission concurred.

The Commission approved this application subject to opaque windows.

157/14 – BA12596 – 1-2-14 Oleander Court, Sir William Jackson Grove – Proposed awning

DTP reminded the Commission that this application was considered in June 2013 and refused as the Commission felt that the proposed awning was not in keeping with the character of the building. DTP advised that the applicant appealed to the Appeals Tribunal and that the Tribunal has asked that the DPC reconsider the application and try to agree on a solution.

The Commission welcomed the applicant Mr Antonio Puertas.

Mr Puertas told the Commission that he would like to place awnings as he is unable to close his shutters during the summer months as these do not allow natural ventilation or light to enter his flat. He said that the sun shines on his flat from 2 to 10pm in the summer.

The Chairman apologised to Mr Puertas as he had previously not been informed that he was able to address the Commission.

DTP told the Commission that the Appeals Tribunal had also informed him that Mr Puertas suffers from claustrophobia and needs to have his shutters open. He said that different examples of awnings used in Gibraltar have been looked at and suggested two possible solutions; roller blinds which are hinged or awnings such as those used in Gardiner's Road. DTP said that the windows are full length but that it would not be possible to have full height hinged roller shutters. The roller shutters would therefore only cover the top half of the window but if they were designed to extend down to the same height as the existing railing they would not detract from the architecture.

JH said that having considered roller blinds personally, she had been advised by manufacturers that these are quite maintenance heavy and perhaps the applicant should know this.

The Chairman suggested that perhaps awnings would add colour to the building.

MEH said that he would be happy for this to be decided by the Sub-committee.

The Commission agreed that external mounted awnings or roller shutters will be allowed and agreed that the Sub-committee should choose which one is to be approved and used uniformly within the estate.

158/14 – BA12849 – New Harbours, Rosia Road – Proposed 5 storey office building

DTP told the Commission that revised plans have been submitted following discussion by the DPC and concerns raised. He said that curtain glazing and steel ballustrades instead of windows have now been added to the south elevation and that the links at the end of the building to other units have been removed.

From a planning point of view, DTP said that revisions are not major and that they are mainly on the south elevation which is less imposing. He said that an office building is being fitted within a limited area but that this has been Government's decision.

MEH thought that the wrong side has been beautified.

DCM said that he has not been involved in this project and asked whether the building could be turned around. A representative of the applicant, Mr Hughes, said that he has met on site with CV and DTP and that the elevation to which glazing has been added can be seen quite prominently from the other buildings. He said that the walkways have also been designed on the side which is most protected from the elements but that there is no reason why the building cannot be flipped round.

The Chairman asked whether it would be possible to make the building taller and narrower. Mr Hughes said that the layout of the building has been designed to accommodate parking requirements and that although various options were considered, feedback received was that it should not be taller than existing units.

JH asked whether taking the building higher would affect others in the area. Mr Hughes said that it would possibly affect views from Cumberland. The Chairman highlighted that views are not protected.

CV said that the reality is that no one will see the building and that the photos provided show the most typical view of the building.

CAM said that this is the wrong location and that it will be intrusive on the stone blocks. She said that the Heritage Trust feels that it would be better for the area to be decanted or enhanced.

MEH said that CAM's suggestion was his initial view but that there are other similar buildings in the area and that decanting would be impossible.

CAM said that maybe this type of building be accommodated within the eastside in the long term. She said that there is a lot of heritage in this area.

DCM said that the demand for offices exists and that the revised design is an improvement on the original. However, he said that further design work is required on the other side of the building. Mr Hughes said that it wouldn't be efficient to introduce glazing throughout the

building. DCM also said that there is no other area where this building could be placed and that it is hidden away in this area.

JH said that she agreed that the view of the dockyard area is very impressive as you approach it and that as custodians it is important to safeguard the area and its heritage. She said that the new building obliterates heritage.

DCM said that this is already an industrial area.

CAM said that there should be a long term vision for the area and that these buildings can be attractive.

MEH said that he will raise this matter at Cabinet for discussion.

The Chairman said that more workshops should be included instead of just having offices. He said that all comments will be passed to Government for their consideration.

159/14 – BA12941 – 59/1 Devil’s Tower Road – Proposed conversion of single retail unit into 10 retail units

DTP advised that this application was previously considered by the Commission and refused on the basis that members did not feel that it was an appropriate retail layout. They were also concerned about an increase in traffic in the area and the fact that units would not have adequate standards of ventilation and light.

DTP told the Commission that the applicant has reverted saying that in terms of parking there are 12 pay and display spaces on the same road which customers could use. They have also confirmed that the units would be mechanically ventilated and produced a report on this. DTP also said that they have confirmed that the units may be used for either retail or storage.

From a planning point of view DTP said that they did not have an issue with the retail unit at the front but recommended that the other units are used only as storage and that no access is provided from Devil’s Tower Road.

The Commission welcomed the applicant Mr Christian Mifsud and his architect Mr Christian Revagliatte.

Mr Mifsud said that their proposal arises from the decision to relocate the Car Care Centre to a unit at Waterport Terraces due to loss of business in this area. He said that the main use for the units at the front will be storage and retail for the units at the back due to the availability of parking on Garrod Road.

The Chairman asked how they comply with regulations on mechanical ventilation. Mr Revagliatte said that a predictive study has been carried out which shows that they will comply. DTP said that he had not had the opportunity to confirm this with the Ministry of Environment.

The Commission did not have any further questions and thanked Messrs Mifsud and Revagliatte.

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The Chairman asked whether the Commission would like to revise their decision.

DTP highlighted that there has not been any change in the proposed layout. He recommended that retail use is only allowed for the front unit and that all other units are used for storage.

CV said that he was not convinced that these should only be used as storage as many shopping arcades work on the principle of no natural ventilation.

DTP said that there is also not enough parking provision. MEH said that there is a large car park on Devil's Tower Road. The Chairman added that there is also a parking opposite St Theresa's Church. CV said that the decision should not be based on parking as people should be encouraged to walk.

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

1 in favour

1 against

6 abstentions

The Chairman voted in favour of the application.

The Commission approved the revised application for ten units to be used as shops or stores. The applicant needs to disclose details on what units will be stores and which will be shops.

160/14 – BA12967 – 1772 Club, Europa Road – Proposed refurbishment and change of use to general industrial

DTP said that representations received from a resident in the area who is concerned with possible noise levels from the works have been circulated to members.

DTP said that vehicular access into the building has been removed and that vehicular access will now be up the hill and into another yard. He also said that they will be refurbishing the inside of the premises, reinstating windows and reconstructing the roof. DTP said that the use will be general industrial, storage of air-conditioning units and a workshop at the rear of the building. A mezzanine level for office space will also be constructed. DTP said that no trees will be removed. With regards to the objection received, DTP said that on the basis that the workshop is for limited industrial use and inside the building, noise will be fairly limited but that the objection still has to be considered.

MEH said that this should be monitored to ensure that the green area around the premises is kept clean and safe.

The Chairman asked whether they will be able to park a vehicle in front of the entrance door. KD said that LPS would have to check whether the area around the premises is included. The Chairman recommended that the DPC does not allow parking in front of the entrance as the area is a pedestrian walkway. The Commission concurred.

The Commission approved this application

161/14 – BA12969 Winston Churchill Avenue – Proposed installation of LED advertising screen

DTP informed the Commission that the proposal is to install a 2.9 by 2m LED advertising screen which will be placed on a steel column and will be 3.9m high from ground level. DTP said that the DPC has consistently refused these applications in the past on the basis that this type of advertising is not desirable.

DTP advised that if approved, the Director of Civil Aviation would require some kind of masking to ensure that there is no distraction to pilots. He also said that the RGP and GDP have raised concerns that the screen would be by a busy road and will distract drivers. DTP recommended refusal.

The Commission refused this application.

162/14 – BA12975 – Unit 7, 8 and 9 Chatham Counterguard – Application to replace and have regularised existing unauthorised canopies

DTP told the Commission that the existing canopies have been installed without authorisation and that they are now applying to replace them with improved ones. DTP said that if approved all canopies in the area would have to be consistent. DTP explained that the canopy would be on steel columns with ornate style detailing and will extend the width of the existing footpath. DTP also said that the canopy will have retractable glazing and sun shading.

DTP said that TSD do not object to the proposal subject to a 1.2m clearance being maintained for pedestrians. DTP said that this is not maintained at present.

DTP said that no comments have been received from the Ministry for Heritage or Heritage Trust.

CAM said that other similar proposals have been considered previously but that this one is slightly different on a number of levels. She said that introducing straight canopies would destroy the character of the building as all of the entrances are arched. She also said that the ornate detailing does not fit in with the previous use of the area which was military. She said that umbrellas could be used instead.

MEH questioned whether umbrellas are more attractive. CAM said that umbrellas can be removed but that the canopy will be permanent.

The Chairman said that this discussion has been ongoing for years and that since HMGOG did not agree on a design the tenants want to install the canopies themselves. The Chairman thought that umbrellas would be useless since they cannot be used in inclement weather. He said that the use has moved on and that the canopy should be complimentary to it.

GM said that he found it hard to accept that canopies are necessary and said that when tenants occupy premises they are aware of what they are getting.

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MEH said that he understood that they might require canopies so that they can continue to accommodate customers outside even on very hot days. He said that he did not have an issue with canopies as long as they are not attached to the wall.

JH said that the area had been successfully restored and that it is important to preserve it. She asked whether any thought has been given to planting trees for shade. The Chairman said that in Casemates for example there are trees but that these do not provide sufficient shade and canopies have also been erected. MEH said that from previous experience he would imagine that it would not be possible to plant trees due to services running underneath the area. HM confirmed that there are services within the pavement.

CV said that he echoed many of JH and CAM's views. He said that he was involved in the scheme for the refurbishment of the area and that sometimes seeing an addition of structures goes against what the project was trying to achieve in the first place. He recognised that there is a need for shade but said that a structure becomes a permanent feature and that with time these are usually not maintained. He said that he would prefer umbrellas and thought that these would add character. He also said that there are a significant number of services on site; hence trees would not be an option. CV said that he is against trying to recreate the old and that it is either made modern or not done at all.

CAM said that she understood that shade needs to be provided but said that the canopy design should be reconsidered.

The Commission refused the application and agreed that the unauthorised structure should be removed.

DTP told the Commission that the Department of Town Planning will have to start legal proceedings against them as they have been asked to remove the unauthorised structures but have not done so to date.

163/14 – BA12977 – 59 Main Street – Proposed alterations to shop front

DTP told the Commission that the proposal is to convert a doorway to a fixed window and a window to a double width door. DTP advised that similar proposals have previously been refused as being contrary to policy aimed at retaining traditional shop fronts. He said that there would be no planning objections to changing the door to a window but would object to the conversion of the window into a door as this would be contrary to policy and previous decisions.

A representative of the applicant, Mr Javier Frendo, told the Commission that they believe that the changes proposed will enhance the shop and that their aim is to make the façade as beautiful as they can.

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.

The Commission refused the application.

164/14 – BA12987 – Halifax Road – Proposed construction of retail outlet

DTP informed the Commission that the proposal is for the construction of a single storey retail unit which will be constructed using a colour render insulation structure. DTP said that the proposal seems to be an ad-hoc approach to retail use in terms of siting.

KB said that he would rather see the planter which currently exists in the area being used for planting it is lacking in the area.

DCM said that the design could be improved.

The Chairman suggested that perhaps there could be a combination of both the retail unit and planting. KB said that the footprint might be too small.

The Commission deferred this application and requested that the applicant submits a scheme which includes landscaping. KB said that the applicant can contact him if they require advice on what to plant.

165/14 – BA12988 – Catalan Bay Road – Proposed construction of retail outlet

DTP advised that the proposal is to construct a retail unit on the existing planter. He said that TSD has objected to the proposal on the basis that it will be situated where the new road to the eastside might be constructed and also on architectural terms as it will be a piecemeal development within a major site. He also said that the Department of Environment has commented on requirements for dust control, refuse and landscaping. DTP said that from a planning point of view he concurs with the objections raised by TSD. DTP recommended refusal.

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

The Commission refused this application.

166/14 – BA12991 – Former Ipanema Restaurant, Sail 1, Ocean Village – Proposed internal and external alterations

DTP told the Commission that works have started and that they are not in line with the submitted plans. He said that the main changes include alterations to the façade. He said that fixed windows with timber paneling below have been installed, whereas all other units have fixed glazed full length openable windows. DTP also said that they will require an extraction flue similar to those installed by other restaurants and that this will now have to be higher than the new extension above this unit. DTP also said that a Chinese themed entrance door has been installed without permission.

The Commission refused the proposal to change the windows to fixed windows with timber paneling. The Commission deferred a decision on the flue as they considered that its design should be incorporated as part of the scheme for the extension and therefore, Ocean Village would have to look into this. The Commission also deferred a decision on the Chinese themed door pending photos to be provided.

The application was deferred.

167/14 – BA12996 – Temporary Coach Terminal, Reclamation Road – Proposed LED advertising sign

DTP advised that the Gibraltar Tourist Board is supportive of this application. He said that an existing planter will have to be relocated. He also said that this application is different to others as it is aimed at pedestrians; hence there is no danger in terms of distraction to motorists.

DTP said that TSD has recommended that the bottom edge of the sign is at a height that does not cause danger to pedestrians.

The Commission welcomed the applicants, Messrs Llambias and Peralta

Mr Llambias confirmed that they will ensure that the LED sign is placed at a height and location that will not pose danger of pedestrians colliding with it. He said that they would prefer shifting it to the left rather than the right as suggested, as it would be more visible. He also said that the sign will be temporary as they would move it if the coach park is relocated. He said that the lower edge of the sign will be above 2.5m in height but that they will work with any requirements. They also confirmed that the screens will be advertising tourist information on Gibraltar and that they are discussing the content with the Tourism Department.

The Commission approved an LED advertising sign to be placed on the left side of the area proposed.

168/14 – BA12997 – Europort Avenue – Proposed residential development – HMGOG Project

DTP said that effects on the housing estate opposite, the adjacent schools, loss of planting and loss of parking should be taken into account. He said that the proposal is to construct a 10 storey building with a typical ground floor parking layout. DTP said that 2 planters will be provided but that this does not compensate for what exists at present. He also said that there will be a communal terrace for all residents as well as individual terraces, and that these will provide setbacks.

From a planning point of view, DTP said that the proposed 3 storey car park adjacent to the road will provide a dead frontage. He also said that the application is not supported by additional information on the demand for these flats or any requirements by the adjacent schools. He also said that no feedback has been received from departments which have been consulted.

The Chairman recommended that the car decks are screened off.

MEH said that more landscaping could be included. He said that meetings have been held where the use of renewable energy sources has been discussed. He said that he will raise the issue of landscaping at the next meeting.

JH asked whether concerns raised by the Department of Education will be highlighted. DTP said that the Department of Education has referred their concerns directly to TSD. HM confirmed that most of the concerns raised by the Department of Education are on health and safety and that TSD will be meeting with the schools.

JH asked whether the concerns raised by the Department of Education have been considered from a planning perspective. The Chairman said that they had not had time to do this but that they will be raising concerns with HMGOG.

JH also asked whether this application will be brought back to the Commission for information once concerns have been addressed. The Chairman said that all concerns will be forwarded to Government and that if the DPC wishes, the matter could be raised at another meeting for information. JH said that she would like to hear how issues have been addressed.

The Commission did not have any further recommendations.

169/14 – BA12998 – Sunnyside House, Naval Hospital Road – Application to install GSM mobile antennas and ancillary equipment

DTP advised that various applications for the installation of GSM mobile antennas and ancillary equipment have been received. He said that HMGOG policy issued in September 2013 has been issued to the various concerned parties. He also said that antennas provided should not use power levels which are higher than required to reach certain areas and that Gibtelecom has confirmed that this will be the case. DTP said that the policy prefers a higher number of lower power level transmitters rather than a lower number of higher power transmitters and that emission levels should be below international standards. He said that the policy encourages operators to use existing masts and infrastructure should be shared. DTP also said that the policy states that aerials for microcells should not be between 100m of schools, hospitals and the airport.

DTP told the Commission that Gibtelecom has identified 14 areas which are lacking in cover. He said that discussions have taken place between Gibtelecom and the ESG and that various issues are still outstanding. He also said that some of the sites identified have masts which were previously used by CTS, so it would just be replacement of one for another.

DTP said that the Department of Environment has confirmed that the plan presented by Gibtelecom accords with the policy. They have recommended that since there is a perception that these antennas pose risk to the public, it might be beneficial for Gibtelecom to provide information to the public.

DCM declared an interest as Chairman of Gibtelecom.

The Chairman said that the GRA should also publish their policy as they are the authority in control.

JH said that this matter is a very important issue for the ESG and that to consider so many applications at the end of a long meeting is not doing any credit. She said that the ESG would circulate a statement by their environmental advisor in response to the plan presented by Gibtelecom. JH said that the ESG will object to some of the proposed sites as they believe that they are not appropriate. She said that they have had meetings with the applicant where the ESG has raised their concerns.

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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 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.

MEH highlighted that HMGOG policy is not DPC policy and that the DPC is not bound to this. He said that the response to the ESG's concerns would be part of the developing policy.

JH said that the ESG has a definitive view on this matter and that they have a responsibility to state their opinion on whether all 14 sites comply with policy. She said that some sites are not appropriate areas and that they will raise this with the company. She said that there is not enough time to raise all of their concerns at this meeting.

The Chairman said that many issues have been raised including disfranchisement under Section 21. He said that a meeting is planned for 8th May 2014 to discuss the issue of disfranchisement. The Chairman said that not all residents are governed by the same rules within estates and although notices are served on either the secretary or management company, not all act properly and inform all of the residents. He said that legal advice will be taken on this matter. The Chairman also told JH that she is a member of the ESG but also a member of the DPC and that he would recommend that the ESG has a spokesperson for these kinds of issues.

MEH asked what decision needs to be taken by the DPC and whether if antennas are not in keeping with HMGOG policy, it is up to the DPC to consider whether to approve. The Chairman said that the DPC would depend on the authorities to guide them and that he would expect the

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GRA to advise accordingly. The Chairman said that the Commission would have to take a holistic view and consider the ESG's objections, GRA's view and the applicant's view.

DCM said that work is being done to improve any possible effects from these masts and that a decision has to be taken as people want to use their mobiles.

The Chairman recommended that the GRA presents their views at another meeting and recommended that Gibtelecom be given the opportunity to address the Commission.

The Commission welcomed Mr Xavier Bado and Mr Jansen Reyes of Gibtelecom.

Mr Bado told the Commission that they had met with the ESG and that they want to comply with the direction given by the GRA and HMGOG. He said that they will be complying in terms of power and emissions, and that they are trying to lower emissions by having more antennas with less power. Mr Bado said that the GRA should be controlling what they do and that they are more than willing to comply. He said that at present services are suffering considerably as the existing power does not reach all areas.

The Chairman asked whether they are the only provider of this service. Mr Bado confirmed that there are other providers.

DTP asked whether Gibtelecom has discussed all 14 sites with the GRA. Mr Reyes said that growth has been suppressed for the past couple of years and that the reason why they have submitted 14 applications at the same time is because they have not been allowed to submit them beforehand. He said that there is no factual evidence proving that this type of infrastructure causes harm. Mr Reyes also said that due to the complex topography of Gibraltar and the fact that things change all the time, they need to modify their infrastructure to provide a service. He said that they have theoretically modelled what they think will happen but that once approval is obtained they would need to remodel and perhaps slightly modify again. Mr Reyes added that 4G services will be available soon and that they would require more antennas for this using the same structures.

Mr Bado told the Commission that if some of the proposed sites are not of a concern; Gibtelecom would appreciate it if they could proceed with these whilst looking for alternative options for the others.

The Chairman asked JH whether there are some sites which the ESG is amenable to approve. JH said that there were a few sites that were problematic for example Referendum House, Sunnyside House and Albert Risso House.

Mr Bado said that at the meeting with the ESG they agreed to look for alternative sites for the infrastructure proposed for Albert Risso House.

MEH said that Gibtelecom has been very patient and cooperative and that it was in the interest of good planning that they agreed to provide a report. MEH said that the only site which the

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Ministry of Environment would object to is the one proposed at Princess Caroline's Battery due to visual impact.

DTP commented that it should be standard practice to provide warning signage wherever these antennas are located. Mr Bado and Mr Reyes confirmed that Gibtelecom would be happy to do this.

The Commission decided to consider each site individually and either approve or request that an alternative be considered by Gibtelecom.

With regards to the antenna at Sunnyside House, JH said that although the ESG had concerns about this site, it is now clear that they will just be replacing an existing aerial and that therefore, they no longer have an issue with this. The Commission approved this application.

170/14 – BA12999 – Princess Anne's Battery, Upper Rock – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application

171/14 – BA13000 – Arengos Car Park – Proposed installation of GSM mobile antennas and ancillary equipment

JH said that due to the fact that the school will be relocated, the ESG does not object to this application.

This application was approved by the Commission.

172/14 – BA13001 – The Bell Tower, St Joseph's Church, Rodger's Road – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application.

173/14 – BA13002 – Referendum House (roof), Glacis Estate – Proposed installation of GSM mobile antennas and ancillary equipment

JH said that the ESG objects to this application and requested that they reconsider the location.

The Commission deferred this application to allow the applicant to consider alternatives.

174/14 – BA13003 – Spur Battery, Upper Rock – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application.

175/14 – BA13004 – Princess Caroline's Battery lookout, Upper Rock – Proposed installation of GSM mobile antennas and ancillary equipment

MEH said that the Department of Environment would require a slight relocation so that the antenna is less prominent. CAM concurred.

It was agreed that Gibtelecom should discuss this location with the Heritage Trust, the Department of Environment and the Planning Department.

176/14 – BA13005 – The Rock Hotel (roof, Europa Road – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application.

177/14 – BA13007 – Park and Ride Car Park, Devil’s Tower Road – Proposed installation of GSM mobile antennas and ancillary equipment

DTP advised that the Director of Civil Aviation would require confirmation that there will not be any interference with the air traffic control system or radio systems.

JH said that signage should be erected to inform the public.

The Commission approved this application.

178/14 – BA13008 – Buffadero Battery, Lathbury – Proposed installation of GSM mobile antennas and ancillary equipment

JM requested that this item be deferred as he would need to check that there will not be any interference with MOD systems. This item was deferred.

179/14 – BA13009 – Engineer’s Car Park – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application.

180/14 – BA13010 – Albert Risso House, North Mole Road – Proposed installation of GSM mobile antennas and ancillary equipment

Mr Bado said that Gibtelecom has agreed to relocate this structure and is considering alternative locations.

The application was deferred.

181/14 – BA13011 – Block 9 Europort Building – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application.

182/14 – BA13013 – Acland Avenue, Buena Vista Estate – Proposed installation of GSM mobile antennas and ancillary equipment

The Commission approved this application subject to a site visit and an exact location being agreed.

With regards to all of the applications for the installation of antennas and ancillary equipment, the Commission agreed that the GRA’s perspective should be made public. It was agreed that they would be asked to address the Commission at the meeting to be held on 28 May 2014.

183/14 – BA13020 – Devil’s Tower Camp – Proposed single storey liquid oxygen store with integrated workshop – HMGOG Project

DTP told the Commission that the proposal is to construct a single storey store for storage of liquid oxygen and a small workshop.

DTP also said that the Director of Civil Aviation requires FOD mitigation measures to be included as part of the conditions.

The Commission did not have any other recommendations.

184/14 – BA13021 – Albany House, Town Range – Proposed demolition of building

DTP said that the proposal involves the demolition of internal walls on the ground floor and the whole structure on the floors above.

The Commission approved this application.

185/14 – BA13022 – 11 Genoa House – Proposed construction of maisonette with flat roof terrace and covered lean to roof

DTP advised that this is the full planning application for the construction of a maisonette. DTP said that this application was approved at outline planning stage but that since then the Housing Department has objected to the proposal.

KD said that he had received an email from the Principal Housing Officer (Ag) allowing the proposed scheme as the Housing Department has received written confirmation from residents confirming that they do not object to the proposal.

The Commission approved the application subject to confirmation from Housing that they are in agreement for the proposal to proceed.

186/14 – BA13023 – Landport Ditch Skate Park – Proposed change of use to car park – HMGOG Project

DTP informed the Commission that the skate park has been relocated to the northern end of the Victoria Stadium and that the area will be converted into a car park.

The Commission did not have any comments.

187/14 – BA13029 – 1 Eaton Park, Devil’s Tower Road – Proposed change of use to office and refurbishment

DTP told the Commission that the only external alteration will be the main entrance door. He also said that there will not be any allocated parking but that there is a public car park opposite the premises.

The Commission approved this application.

188/14 – BA13035 – Victoria Stadium, Bayside Road – Proposed extension to main stand to accommodate UEFA upgrade requirements – HMGOG Project

DTP advised that the proposal is to construct a three storey extension over the current store area which will be used to provide facilities for the players, media rooms and medical rooms.

The Commission deferred this application pending further details of the proposed works and what UEFA requirements will be met by the upgrades.

189/14 – BA13036 – Unit 22, Block 6, Watergardens – Proposed change of use from bar to retail

DTP said that this proposal involves minor external alterations to introduce roller shutters. He said that objections have been received from the management company on the basis that the premises will be used to sell tobacco and that there is already some antisocial behavior in the area due to smuggling activity and that this should be taken into account by the Commission.

The Chairman said that it is not up to the DPC to decide what they can sell as this is up to the Trade Licencing Department.

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

7 in favour
1 against
1 abstention

Minor Works – not within scope of delegated powers

190/14 – BA12185 – 63 Europa Road – Proposed construction of 12 parking spaces

MEH requested details on cliff stabilization works. DTP agreed to forward details to MEH. MEH agreed to confirm whether he had any concerns.

191/14 – BA12961 – 12 Castle Street – Proposed change of use to bakery

DTP highlighted that the chosen colour scheme does not fit in with the area.

CV suggested that the colour chart for the town area should be used and that the whole of the ground floor should be one colour.

The Commission approved this application subject to the façade being painted the same colour as the rest of the building.

192/14 – BA12994 – Trafalgar Lodge, 1B Europa Road – Proposed roof canopy to patio

The Commission approved this application.

193/14 – BA13019 – St Paul’s School, Varyl Begg Estate – Proposed replacement of boundary fence by boundary wall – HMGOG Project

The Commission had no comments to make.

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194/14 – BA13024 – Buffadero, Windmill Hill Road – Proposed installation of communication ducts and pulling pits – MOD Project

The Commission had no comments to make.

195/14 – BA13034 – Bishop Fitzgerald School, Europort Avenue – Proposed replacement of existing flat roof – HMGOG Project

The Commission had no comments to make.

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

196/14 – Ref N/001/14 – Bishop Fitzgerald School Car Park – Proposed removal of Eucalyptus Tree – HMGOG Project

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

197/14 – Ref 1198/006/14 – Casemates Arcade – Proposed new signage

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

198/14 – Ref 1198/005/14 – Main Street – Proposed banners along Main Street

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

199/14 - Ref 1198/004/14 – Unit 17 Ocean Village, Pizza Express – Proposed new signage

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

200/14 – BA11986 – 87-89 Main Street – Proposed replacement of shop front

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

201/14 – BA12206 – Varyl Begg Estate – Telcomms cabinet – Details of skin

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

202/14 – BA12297 – 18 The Island, Queensway Quay – Proposed minor internal alterations

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

203/14 – BA12434 – Cheshire Ramp, Buena Vista Estate – Proposed trenching for new services

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

204/14 – BA12615 – 80 Rosia Dale – Change of use form loft store into bedroom

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

205/14 – BA12782 – 2 Currey House – Proposed internal alterations

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

206/14 – BA12788 – Ocean Village Marina (west of Dusk bar) – Proposed revisions

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

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207/14 – BA12888 – 603 Block 1 Europlaza – Installation of glass curtains

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

208/14 – BA12909 – Library Ramp – Proposed new telecommunications cabinet

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

209/14 – BA12919 – Milton House, 15 Town Range – Proposed internal modifications

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

210/14 – BA12923 – 4 Currey House, Buena Vista Estate – Proposed internal alterations

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

211/14 – BA12926 – 18 Admiral’s Place, Naval Hospital Hill – Proposed minor alterations

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

212/14 – BA12950 – Four Corners – Proposed vehicle inspection building

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

213/14 – BA12963 – 11 Knightsbridge Close, Montagu Crescent – Proposed alterations

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

214/14 – BA12971 – The Cottage, Alameda Gardens – Proposed installation of 4 PV panels

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

215/14 – BA12973 – 232 Main Street – Proposed shop front refurbishment works

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

216/14 BA12974 – 9/1 Naval Hospital Hill – Proposed minor alterations to residence

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

217/14 – BA12978 – 26 Town Range – Proposed replacement of gate

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

218/14 – BA12989 – Willis Road – Propose refuse cubicle – HMGOG Project

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

219/14 – BA12990 – Cumberland Road – Proposed refuse cubicle – HMGOG Project

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

220/14 – BA13015 – 944 Europort – Proposed internal alterations

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

221/14 – BA13017 – 141 Peninsular Heights – Proposed glass curtains

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

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222/14 – BA13018 – 8 Orchid House, The Clifton’s – Refurbishment including new mezzanine and access stairs

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

223/14 – BA13026 – 4 Orchid House, The Cliftons – Proposed internal alterations

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

224/14 – BA13027 – 1st Floor store rooms, Kings Wharf, Queensway – Installation of intumescent fire grill

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

Any other business

225/14 – Next meeting

The Commission agreed to next meeting on Wednesday 28th May at 10:00a.m.