

Approved
DPC meeting 13/14
26/9/14

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 13th Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 26th September 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)
(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 C Russo (CR)
(Land Property Services Ltd)

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

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

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

 - Miss K Lima
(Minute Secretary)
- Apologies:**
- Mr J Collado (JC)
(Land Property Services Ltd)

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Mr J Mason
(Rep Commander British Forces, Gibraltar)

Approval of Minutes

560/14 - Approval of Minutes of the 12th meeting of 2014 held on 28th August 2014

The Commission approved the Minutes of the 12th meeting held on 28th August 2014 subject to inclusion of the following in bold:

Minute 558/14 – page 29

558/14 – RISSO Bakery

CAM informed the Commission that the Heritage Trust has been requesting permission to access the ex-Risso Bakery since June 2014 but that their requests have been ignored. She said that in August 2014 they received a letter from the developer's lawyer saying that they will only allow access for an Archeological Watching Brief. CAM also said that the items which they identified as of heritage importance are now only being offered to them on a purchase basis. **CAM said that the Heritage Trust feels that this is against the spirit of what had been discussed when the matter was tabled at the DPC.**

MSCHY advised CAM to contact his office and that he will assist in trying to obtain access.

Matters Arising

561/14 – BA13056 – Ex Mobil Petrol Station, 16 Line Wall Road – Proposed refurbishment and change of use to drive-through takeaway

DTP advised that this matter has been included in the agenda as the opening hours were to be discussed with the applicant and the objector before the meeting. However, he said that discussions have not taken place and recommended deferral.

The Chairman said that he has researched takeaways in town and that they all close by 11pm.

This matter was carried forward pending discussions with the applicant and residents.

562/14 – BA13072 – 81/83 Governor's Street – Proposed alterations to ground floor stores

DTP said that a reduced scheme has been submitted for alterations to stores at the rear of the property. He said that the proposal is for refurbishment of existing stores and patio area and removal of planters.

DTP advised that representations have been received from one of the property owners with regards to the chains will be installed in front of entrances and questioning the need to remove the planters and the extent of the proposed beautification. DTP also said that counter-representations have been circulated to members.

DTP recommended approval as the proposal was not objectionable on planning grounds

The Commission approved this application.

563/14 – BA13160 – 7B Engineer Road – Proposed demolition of existing dwelling and construction of one new dwelling

DTP reminded the Commission that the proposal is to replace the existing dwelling with a larger one. He said that although it will have a larger footprint, the main difference will be in the volume of the dwelling. DTP said that at the previous meeting the main issues raised were the potential visual impact and suggestions that the ventilation shaft should be a more visible feature of the property. DTP said that the applicant's response to DPC recommendations have been circulated to members prior to the meeting.

DTP said that the main changes to the proposal include changes in the colour tone of the render; the introduction of a two tone effect through the introduction of natural stone; the introduction of full height glazing; and the introduction of balustrading at the centre of the building. DTP said that the introduction of glazing at the centre of the building reduces massing and makes the shaft a more prominent feature. He also advised that the applicant is open to changing the colour scheme. DTP said that the proposal also includes extensive landscaping of the ground level and roof. DTP confirmed that the applicant is willing to work with the DPC's recommendations and with the Town Planning Department. DTP recommended approval.

CV thought that it is a good scheme in terms of how the property is being assimilated into the landscape.

The Chairman asked whether the applicant has approval from the neighbour for the works to the garage. Mr Keith Darling (architect) confirmed that they would have to come to an agreement with the neighbour and that if an agreement is not reached they would have to revise the designs.

MEH asked whether they have carried out a study on whether it will be possible for the plants to grow quickly and properly at this location. KB said that they would have to choose appropriate trees for a Mediterranean climate and that these might be difficult to source and that accessibility might be an issue. He also said that they would require a soil depth of around 1 metre.

MEH said that he was not sure whether what they are proposing in terms of landscaping would be achievable as there may not be enough soil depth. Mr Darling said that they would appreciate the DPC's input on the landscaping proposal and that they will work with recommendations.

The Chairman said that the existing building is not visible along Engineer Road unless you drive up to the driveway. He said that the building is hidden by large trees and by Mount Alvernia. This discreetness is what the DPC was trying to ensure with the new development.

CAM highlighted the potential for archeology in this area because of burial grounds in adjacent properties and requested that this be a condition of the permit. She also raised concerns that many properties are being bought under speculation.

KB said that he did not envisage an ecological impact due to this development but that the developer must keep in mind the possibility of bat roosts existing in the cave at the rear of the property.

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JH reiterated that the ESG has reservations about this proposal due to the property being on the edge of the Upper Rock Nature Reserve, the fact that a good building is being replaced, the large visual impact it will have and the proposal not being in keeping with the area.

MEH asked Mr Darling how they will ensure that they reduce the carbon footprint. Mr Darling said that they are looking at geothermal methods as rock is a good insulator. He also said that they are looking into the concept of solar energy for pool heating, hot water and general heating of the dwelling. He said that the old water catchment area on the north side of the property could possibly be used to install solar panels.

MEH said that renewable energy options must be part of the development. Mr Darling said that his client's brief is to make the development as ecologically friendly as possible. He said that the proposal is still at outline stage and that they would welcome a steer on this matter so that they can include options at full planning stage.

MEH also said that they must ensure that the shading and glazing introduced does not create a greenhouse effect. Mr Darling said that there are many options in materials which can be used and that they will take all recommendations into consideration.

DCM said that he was not present at the last meeting but that he welcomed that the applicant has brought the proposal to the Commission for their views. DCM said that he shared some of JH's concerns with regards to the property being on the boundary of the Nature Reserve. Mr Darling said that it is on the boundary of the Nature Reserve but that the property will hardly be seen from an aerial perspective.

DCM also asked how many storeys the property will have. Mr Darling said that the dwelling will be set over 5 storeys. He said that there will be approximately 5.5 to 6 metres difference in height from the parking to the top of the house and that it will be around 1.8 metres higher than the current property. Mr Darling said that the house will have 3 storeys on the north and 2 on the south side.

The Commission took a vote on demolition of the current property and reconstruction as proposed, with the following result:

3 in favour

4 against

3 abstentions

MEH said that if the massing is reduced on the north side he would change his vote and vote in favour of the application. KB concurred.

The Chairman said that he votes in favour with the condition that the height of the building is reduced.

JH asked whether the proposed excavation is an issue given that the site is located on the boundary of the Reserve. MEH said that it should not be an issue since they are not excavating

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on a cliff. The Chairman also said that excavation took place during development of the adjacent property with no adverse consequences.

The Commission decided to defer a decision to allow the applicant to revert with revised designs and to allow the Commission the opportunity to attend a site visit. The vote was annulled.

GM highlighted his concern on the way that the vote had taken place. He said that the Chairman should only cast his vote when the vote result is equal. GM requested clarification on the voting system for future applications, as he believed that a policy is required to ensure that it cannot be used as precedence against the Commission.

The Chairman said that he would seek advice on the voting procedure.

564/14 – BA13197 – Buena Vista Barracks, 40 Europa Road – Proposed installation of cliff crest access system

DTP advised that briefing notes from LPS and TSD have been circulated to members. He said that LPS has confirmed that a clause in the lease allows HMGOG access for future maintenance. He also said that TSD has provided a brief on why the crest access system is necessary for future maintenance. He said that TSD has advised that it is difficult to access the cliff from above because of the construction of private gardens along the top of the cliffs and that access from below would be a practicable alternative. TSD feel that maintenance is important and that the developer should provide this access system. TSD has also advised that the only other option to access from above would be to connect to vehicles on the road and that this would create health and safety issues.

MEH asked whether TSD is suggesting that it is necessary to have cables running along the top of every cliff. DTP said that the issue is that the developer has a lease right up to the cliff and therefore, the usual 5 metre access area cannot be imposed.

HM said that the cables will be 13mm thick and that they will not be obtrusive. He said that the developer will be meeting the cost.

Mr Hermida from TSD confirmed that there is currently a system in place but that this does not run along the whole length of the cliff. He said that this is only to ensure that HMGOG does not have issues with access in the future.

CR said that cliff stabilisation works have already taken place in the area which is more intrusive. Mr Hermida confirmed that the system would not be visible.

DCM said that permission to build right up to the cliff was given by the previous administration and that if this system is the only option to ensure access, it will have to be done.

MEH highlighted that the installation of the system cannot be done between the months of February to June due to the breeding season.

The Commission approved this application subject to this requirement.

Major Developments

565/14 – BA13264 – Naval Grounds – Proposed coach and car park Application for piling only and removal for TPO trees

DTP advised that the details of construction are not being considered at present and that what the developer is seeking at present is permission for piling works to commence. DTP reminded the Commission that the ground floor will be a coach park with access from Reclamation Road and exit onto Queensway. DTP also said that some on-street parking spaces will have to be removed in order to provide turning-circles for the coaches. He also said that a split level multi-storey car park will also be constructed. The Town Planning Department will be meeting with the applicant to discuss elevation treatments and thereafter submission to the DPC.

DTP also informed the Commission that the 5 trees which have Preservations Orders have to be removed. KB confirmed that it is not worth transplanting them.

The Chairman informed that as from the 1st October the new Government archeologist will be involved in this project and that an Archeological Watching Brief would need to be carried out as a condition to the Permit for the substructure.

JH asked whether an assessment has been conducted on the arrangement for coaches. The Chairman said that this will be required as part of full planning application submissions and would need to be assessed together with the pending Traffic Plan.

GM asked whether it is necessary to remove on-street parking. The Chairman said that parking will have to be removed at a later stage to provide turning circles but in any case all this will be studied as part of the on street and access requirements when the full application is submitted.

HM said that the issue of parking spaces on Reclamation Road should be considered as part of the larger plan for the area.

DCM said that 10 parking spaces might be lost but that 1000 spaces are being gained.

The Chairman advised that he has asked the developer to consider a green wall for the car park.

The Commission approved the substructure construction works and required that the applicant be informed of the comments presented.

Other Developments

566/14 – BA12879 – Dutch Magazine, Rosia Road – Proposed mezzanine deck

DTP told the Commission that a revised application has been submitted which includes a new opening and refurbishment to create a body shop for car repairs.

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DTP advised that TSD has serious concerns about creating a new vehicular access so close to this tight narrow road junction between the South Dockyard Road and Rosia Road as it might potentially create traffic congestion and bottle necks thereby affecting the smooth flow of traffic in both roads particularly due to the nature of the use of the unit as a car body repair. TSD are concerned that an increase in traffic entering and exiting the premises might create an overflow of vehicles onto this part of the Road thereby obstructing access. DTP also said that the Traffic Commission concurs with TSD's comments. DTP added that TSD also has concerns that the architectural features will be adversely affected by the wider opening that went beyond the past blocked-up opening.

CAM said that the Heritage Trust objects to the opening although would not be opposed to reopening the original opening of the unit. The Heritage Trust has also welcomed the cleaning of the brickwork but suggested that the brickwork should be removed.

The Commission refused the revised application on the grounds of traffic.

567/14 – BA13157 – 8 Ellerton Ramp, Buena Vista Estate – Proposed swimming pool, store room and associated works

DTP informed the Commission that the construction of the swimming pool would involve one metre deep excavation. He also said that the proposal involves the creation of a storeroom with a patio above. DTP also said that the street frontage will have a metre high timber fence and that the wall height will be approximately 3 metres above road level. DTP reported that although stopped the works had commenced without permission.

DTP said that TSD has not raised any objections.

DTP also said that the Department of Environment has requested their standard conditions on dust control, energy performance and requirement for green areas.

DTP advised that most of the houses in this area have extended walls with fences and that the proposal will result in hard surfacing to the patio areas.

The Chairman recommended that the pool be allowed but that the rest of the area remains as a garden.

JH asked whether the applicant can be taken to court for commencing works without permission. She said that if no action is taken people are basically being encouraged not to bother applying for permission. DTP said that they can be taken to court but that they also have a legal right to make a retrospective application.

CR thought that the fact that the works have been stopped is already detrimental to the applicant.

KB said that JH is suggesting that it is harder for the DPC to say no once works have already started.

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The Commission refused this application and requested that the applicant resubmits a proposal for a pool and garden without raising the ground levels of the pool thereby warranting overtly high boundary walls and fencing.

568/14 – BA13191 – 20 Cornwall’s Lane – Proposed re-cladding of shop façade

DTP informed the Commission that this is also a retrospective application and that from a planning perspective the tiling used is not considered appropriate or compliant with policy.

The Commission refused this application on the grounds that they are contrary to the Development Plan Design Guide and Urban Renewal Plan 2009 and required the cladding to be removed forthwith and the façade restored to its rendered finish.

569/14 – BA13192 – The Boardwalk, Tradewinds – Application to replace timber flooring

DTP said that the proposal is to replace the existing timber flooring which is in a bad condition. He said that the proposal is to replace it with Clasada Stone as has been done in Ocean Village.

DTP said that Tradewinds Management Company has objected as they prefer to have a distinction between Tradewinds and Ocean Village. DTP said that initially there was continuity as both Ocean Village and Tradewinds had timber flooring. DTP also said that the counter-representations suggested that the original timber was not laid properly.

DTP advised that in an effort to address the management company’s comments the applicant had proposed an alternative ceramic tiling that had a ‘timber’ appearance. DTP said that from a planning point of view either the Clasada Stone or ceramic tiling would be acceptable.

There was general agreement that the ceramic tiling would not be a suitable material liable to cracking under load and that the use of Clasada stone was preferable.

The Chairman suggested that the Commission could recommend using Clasada Stone but perhaps having a different layout, different tone or colour. The Chairman said that this could also be convenient when having to determine responsibility in terms of ownership on the ground between the two properties.

The Commission concurred with the Chairman’s suggestion and approved Clasada Stone with a different layout, colour or tone.

570/14 – BA13198 – 9/7 Naval Hospital Hill – Proposed extension of existing dwelling house at first floor level and ground floor single storey, new swimming pool and associated external works

DTP told the Commission that the proposal is for an extension at ground level including refurbishment works to the garden area. DTP also said that an additional storey with a terrace will be constructed. DTP said that the natural area by the pool will be decked and part of the upper level along Europa Road will be used to create a parking area for the applicant’s use. DTP also said that as a consequence the existing pedestrian access will have to be reprovided as it is currently shared with the adjoining neighbour.

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DTP advised that objections from a neighbour had been circulated to members. He said that they are objecting in terms of access and safety during construction. DTP also said that Straits View Management Company has also objected in terms of access during construction, concerns over the stability of the retaining wall and concerns that light will be restricted by the additional storey. DTP added that an individual neighbour in Straits View has objected due to the loss of privacy to their property as they claim that there will be overlooking into their bedroom from the proposed terrace area.

DTP said that TSD has pointed out that there are plans to provide a footpath along Europa Road and that part of the private land of this property would be required. He said that HMGOG is in discussion with the owner about the possibility of acquiring an area of their land. TSD would also require details on the parking provision and access to the area.

DTP also said that the Department of Environment requires the usual conditions to be imposed and has requested that a tree assessment is carried out and that the existing olive tree should be retained. They have stated that if the olive tree has to be removed, additional trees should be replanted. DTP also said that they have recommended that at least one eucalyptus tree should be retained; the other is apparently in a poor condition and they would therefore, not have an issue with it being removed.

CR confirmed that the open area is leased to the applicant for garden purposes.

CV said that the proposal with the higher level pool might lead to pressure for screening from Europa Road and that the Commission should ensure that this does not happen to safeguard public vistas of the Bay of Gibraltar from Europa Road.

CV had to leave the meeting.

MEH said that he concurred with CV but that although he has no objections to the proposal for the ground floor, he cannot support the proposal for the upper area.

KB said that the proposal before the Commission is not what the architect explained during a site visit.

JH thought that a footpath should be given priority to provide safer pedestrian access along this stretch of Europa Road. She also agreed with CV on not allowing screening and said that neighbours' objections should be given consideration. JH also said that the new vehicular access along Europa Road poses dangerous concerns and that it will make the situation even more difficult for pedestrians.

HM confirmed that a proposal to widen the road and create a footpath has been there for a number of years. He said that HMGOG is engaging with LPS and the owners to try to come to an agreement on the land.

The Commission welcomed Mr James Hughes representing the architect.

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Mr Hughes told the Commission that Government is discussing the matter of the footpath with the applicant, who is keen to support a footpath. He said that they have analysed the scheme and are looking at ways to incorporate the footpath.

The Chairman asked whether the applicant has considered ways to avoid screening. Mr Hughes said that screening is not included in the application and that the architect can deal with this by creating steps from the boundary wall and introducing landscaping on the other side of the steps. DTP said that landscaping would not provide any security to the site if a fence is not installed.

The Chairman said that the plans provided do not portray an appreciation of the reality and that there ought to be a need to be visited by members. He said that if the footpath is provided then there might need to be a westward shift of what was on the submitted plans.

The Chairman also asked Mr Hughes to clarify why the proposal included two pools. Mr Hughes said that the existing pool is shallow and unsuitable. He said that the pool on the higher level will have better views. Mr Hughes also said that the lower pool will be used like a sort of decorative pond with a porous paving natural area surrounding it.

The Chairman suggested deferring this application so that the architect can address the issues raised by the Committee and to allow discussions on the footpath. The Chairman also suggested arranging a site visit as CAM said that the Heritage Trust would like to view the extension to the building.

The Commission deferred this application. A site visit is to be arranged.

571/14 – BA13213 – 3 Johnstone’s Passage – Proposed conversion of single storey to larger residential unit

DTP advised that the proposal is for the conversion of a single storey dwelling into a larger residential unit. DTP said that the extension will be on the northern and southern sides of the existing dwelling. The north side will have two storeys and the south side a single storey with a terrace on the first floor.

DTP also told the Commission that the building behind this property has been awarded via tender and that the proposed extension will be in front of some of the windows of this property. DTP said that the concern is that the extension will only be around 1.2 metres away from the property at the rear and that this might affect the amenities of future residents.

DTP said that TSD has not raised any objections but requested that their standard conditions be imposed. DTP also said that the Heritage Trust has recommended that there should be a slight pitch to the roof but that they have no objections to the proposal.

DTP said the proposed architectural style is contemporary with traditional features such as shutters.

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The Chairman said that he did not feel that it would be appropriate for the Commission to permit only a 1.5 metre distance from the proposed wall to the windows of the existing opposite property. DTP said that it is not a matter of right to light, view or ventilation but that from a planning perspective it is considered that it will significantly affect amenities of future residents. GM said that this would not be any different to constructing a new building in front of an apartment block.

CAM said that the Heritage Trust's comment on the roof was more in terms of appearance but that perhaps by sloping it, the edges can be brought down and the height reduced.

KB said that swift nests should be provided.

MEH highlighted that an energy performance assessment should be carried out.

GM recommended that both the applicant and owner of the rear property should be made aware of the situation. DTP said that the successful tenderer would not have been informed as the applicant is building on his own land.

MEH said that this rehabilitation of vacant property is welcomed urban renewal and should not be discouraged.

The Commission decided to defer this application to allow the Town Planning Department to speak to both the applicant and the tenderer.

572/14 – BA13214 – Europlaza, Harbour Views Road – Proposed parking bays with canopies and security gates

DTP advised that the proposal is to convert the rear service road to parking bays with canopies and gates.

DTP said that TSD has raised strong objections on the basis that when Europlaza was constructed there was a requirement for them to maintain access to revetments.

HM told the Commission that it is a standard condition to maintain 5 metres undeveloped clear strip of land up to the revetment. He said that parking bays would not be an issue but that structures would restrict access. HM said that ideally this area should be kept completely clear as there is a maintenance obligation and this would complicate matters.

The Chairman confirmed that their planning permit was granted without permission for parking on this area of land.

The Commission refused this application on the grounds that the proposed shall impede future maintenance of the revetment.

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573/14 – BA13225 – Europlaza, Harbour Views Road – Proposed new external structure over perimeter road for communal swimming pool and sun-deck

DTP said that the proposal is to construct a pool over the service road. He said that in architectural terms, the applicant is proposing to use the same materials as existing.

DTP said that one of the residents has objected on the basis that access to the pool area will be through the podium and will cause nuisance.

DTP also said that TSD has strongly objected to the proposal due to the requirement to maintain a clear strip of land for access to the revetment

The Commission rejected this application on the grounds that the proposed shall impede future maintenance of the revetment

CV returned to the meeting.

574/14 – BA13217 – 50 Ragged Staff Wharf, Queensway Quay – Proposed glass curtains BA13245 – 123 Ragged Staff Wharf – Part enclosure of terrace as a conservatory

DTP requested that the Commission considers the abovementioned applications simultaneously. DTP told the Commission that they are both retrospective applications; one for the installation of glass curtains and the other for the construction of a glass conservatory. DTP said that with regards to BA13217 the original windows were completely removed. With regards to BA13245, DTP said that it is difficult to see the conservatory from the ground level.

The Commission welcomed the applicant Mr Jeremy Coleman.

Mr Coleman told the Commission that two years ago he closed part of the terrace of penthouse 123. Mr Coleman said that the apartment below his fully enclosed their terrace and that whilst his is not visible from public areas, the other is. He said that his terrace would only be visible from apartments 124 and 125 and that the owners of these flats fully support his application.

With regards to Penthouse 50, Mr Coleman said that he has enclosed a small terrace with curtain glazing and removed the windows. He said that other apartments below his have also fully enclosed their terraces. Mr Coleman said that he removed the windows to provide easier access for his wife who is permanently on a mobility scooter or crutches. Mr Coleman also told the Commission that he stepped down from the management council this year and that he had never previously received a letter on the alterations before resigning. He said that he thought that he did not require a permit for these changes. Mr Coleman also told the Commission that he is aware that it was not a unanimous decision by the council to request that he reverse the alterations which he has made to his apartments.

The Chairman said that the main issue is that he removed the original fenestration. Mr Coleman said that two sets of patio doors which were removed had to be changed anyway as the apartment

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had suffered from water ingress. He also said that his wife did not have any freedom with the existing windows.

The Chairman said that the other issue is the conservatory structure. Mr Coleman said that the structure is 3 metres away from the boundary wall and that it cannot be seen from any point. He also said that he has replaced windows with superior quality ones. Mr Coleman highlighted that some apartments have removed all of the original windows.

The Chairman said that all permits granted to date retain the original fenestration.

The Commission members did not have any further questions.

The Commission welcomed Mr Nicholas Bottino representing the management company.

Mr Bottino told the Commission that the changes made by Mr Coleman alter the architectural scheme of Ragged Staff Wharf. Mr Bottino referred to the Town Planning Act which he said outlines the procedure for applying for planning permission and issues which have to be taken into consideration such as safety and aesthetics of a building. Mr Bottino said that by carrying out the changes prior to obtaining planning permission, the changes are indirectly being forced upon the Commission. Mr Bottino said that approving this would create an unhealthy precedent. Mr Bottino also told the Commission that it is important to note that the terms of the lease state that permission is required for any works and that this requirement has not been adhered to. Mr Bottino said that aesthetic value is one of the restrictive covenants of the scheme of the development, which was included to impose restrictions on the Management Company and owners. Mr Bottino reiterated that his client does not have an issue with the glazing and that their issue is the removal of the original fenestration.

JH asked whether anything is being done about the changes carried out by other apartment owners. Mr Bottino said that he has requested information on this but that none has been provided to date.

The Chairman asked Mr Bottino whether the management company would be amenable to allow the changes if they were done to accommodate a disabled person. Mr Bottino said that he would imagine that his client would be open to consider the changes especially for this reason.

MEH asked whether the management company has taken steps to inform the owners of the requirement for planning permission. Mr Bottino said that when properties are purchased, owners are informed of the terms of the Lease. He said that apartment owners need to be aware that any changes would fall under the remit of the Underlease.

DCM questioned how structures that cannot be seen, deface the building. Mr Bottino said that they need to take the whole building into account and not just what can be seen from directly below. He said that all apartments should mirror each other.

MEH said that even if the DPC grants permission for the changes, the management company could still take Mr Coleman to court.

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Mr Coleman highlighted that the Headlessor has no objections. He also told the Commission that the management company refuses to meet with him and that they knew that he had the conservatory for two years before they took any action.

MEH suggested that the applicant and the management company could be asked to discuss the matter between them. Mr Bottino said that even though there might be litigation measures, it is the function of the DPC to consider the application from a planning perspective.

The Chairman said that he would recommend that the fenestration be reinstated with a ramp for disabled access and glass curtains.

GM suggested that a possible solution could be to remove the sill height of the window and have French windows in the same format as the rest of the building.

MEH said that he would abstain because he felt that the management company has not acted properly and that Mr Coleman has acted in good faith. He said that the Commission should not be pushed to take a decision.

The Commission took a vote on application BA13217 with the following result:

8 in favour

0 against

2 abstentions

The Commission agreed that both openings should be reinstated with disabled access designed appropriately. The Commission approved the installation of glass curtains.

The Commission also approved application BA13245. It was agreed that if further applications are received, all of the units should follow the same design.

575/14 – BA13232 – 2/1 Serfaty’s Passage – Refurbishment of first floor apartment and second floor roof extension

DTP informed the Commission that refurbishment of the first floor will include minor alterations and that an L-shaped extension will be constructed on the second floor with an open terrace on the east side. DTP said that no objections have been received under Section 19.

DTP said that the Heritage Trust has highlighted that fenestration should be in line with the design guide, shutters should be reinstated and the colour should be in line with the colour palette for the town area.

The Chairman said that he had pointed out to the applicant that the externally mounted drainage on the north elevation should be realigned vertically rather than dissecting the façade.

The Commission approved this application with this condition.

576/14 – BA13237 – 3 Mount Road – Proposed beautification of rear garden, decked levels and pool

DTP said that works to the rear garden include a small extension to the tiled area, a landscaped area, pool area with a small area of decking and the replacement of the boundary fence.

DTP also told the Commission that trees have been assessed and that three small trees will be lost, one of which is already dying. DTP said that the Department of Environment has accepted that they be removed and replaced.

The Commission approved this application but agreed that the boundary fence should be replaced with a Cyprus Hedge.

577/14 – BA13238 – Block 1&2 Sir William Jackson Grove – Proposed partial enclosed front porches to 18 podium level apartments

DTP said that by creating enclosed front porches to 18 podium level apartments, private spaces will be created. He said that the proposal is to construct a wall with railings above and a doorway. DTP said that elevations vary depending on the stair core.

From a planning perspective DTP said that this will create a harsher environment and might lead to pressure from residents to fully enclose their private space in the future. DTP said that he would recommend a dwarf wall with planting on top instead.

Mr Daniel Rios (architect) told the Commission that the estate is undergoing a security update and that access to the upper floors of each block will be controlled with gates but that this cannot be applied to the ground floor apartments as their entrances are located outside the block. Mr Rios also said that gates will be installed at the entrance of the estate so that non-residents cannot enter.

The Chairman questioned the need to enclose the lower apartment entrances if reinforced security gates will be installed at the entrances to the estate.

JH said that she would support the drive for greater security.

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

3 in favour

0 against

7 abstentions

The Commission approved this application. It was recommended that the design should be softened and a condition included in the permit that a complete enclosure will not be permitted.

578/14 – BA13241 317 Main Street – Proposed renovation to include extension to the rear and new doorway to Main Street

DTP advised that the proposal is to create an office at ground level and residential units above. He said that on the Main Street elevation, a window will be extended into a new doorway to

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serve the office. A rear single storey extension will be made on the first floor and the second floor will be built over and a drying area provided at the rear.

From a planning point of view, DTP said that the alteration of a window into a door has not been permitted in the past. DTP said that this is an example of a distinctly vernacular building; therefore, allowing this would be a deviation from the development plan policy. DTP recommended that the new doorway is not permitted.

DTP said that he received objections from the Heritage Trust to the conversion of a window to a door. They have also requested that fenestration should match existing and that the foot scraper should be retained.

DTP recommended approval subject to maintaining the original entrance and not allowing the conversion of a window to a door on the basis that separate entrances was possible in the common hall way when entering from the main door.

The Commission approved this application except the creation of a new doorway.

579/14 – BA13246 – 2 Europa Pass Battery, Europa Road – Proposed alterations and refurbishment

DTP told the Commission that applications are being received for alterations to properties at Europa Pass Battery and that a policy decision is required with regards to the external east façade. DTP said that internal alterations will be dealt with by the Subcommittee.

DTP said that one of the proposals is to cover an internal light well to create an additional room and terrace. With regards to the proposal for the balcony of the west façade, DTP recommended that the Commission does not take a decision until all of the residents agree on a policy. DTP also said that changes to the east side elevation include opening a window in the kitchen and enclosing a terrace. He said that residents want to continue the glazing across the terrace to enlarge the kitchen. DTP recommended approval subject to glazing following existing.

The Commission agreed with DTP's recommendations.

Minor and other works – not within scope of delegated powers

580/14 – BA13071 – Units 0101/1101 Europlaza – Application to change of use of premises from residential (C3) to office (B1)

The Commission approved this application.

581/14 – BA13127 – 3/5 Cannon Lane – Proposed renovation of existing buildings plus extension, addition of new floor space on existing second floor and roof area

The Commission approved this application.

582/14 – BA13151 – 7a South Barrack Road – Proposed construction of terrace

The Commission approved this application as per the recommendation that new piers and edging should be rendered and painted to match existing.

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583/14 – BA13229 – 2A Engineer Road – Proposed remedial works to existing north boundary wall of property

The Commission approved this application.

584/14 – BA13240 – Pelham House, Acland Avenue, Buena Vista Estate – Application to enclose allocated parking bays

The Commission approved this application as per the recommendation that infilling of rear/side walls to be recessed and painted white and timber balustrade retained. Window units should also match existing in design.

585/14 – BA13257 – Wellington Front, Line Wall Road – Proposed demolition of building F – HMGOG Project

The Commission approved this application.

586/14 – BA13262 – 37 Line Wall Road – Proposed replacement of 2-4th floor balconies (like for like)

The Commission approved this application.

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

587/14 – Ref 1198/032/14 – Winston Churchill Avenue/ Devil’s Tongue/ Devil’s Tower Road/ Europort Avenue/ Queensway and Ragged Staff Hill – Application to install banners to promote Music Festival

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

588/14 – Ref 1198/037/14 – Winston Churchill Avenue/ Queensway and Waterport Road – Application to install banners to promote Wine Festival

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

589/14 – Ref 1198/006/13 – West Place of Arms (No. 6a) – Replacement of F&F advert vinyl

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

590/14 – Ref 1198/006/13 – No.27 Inces Hall – New diamond occasion advert for bus shelter

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

591/14 – Ref 1198/006/13 – West Place of Arms (No. 1) – New Peacocks adverts

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

592/14 – Ref 1198/006/14 – Queensway Road bus shelter – Proposed new advert for Gibtelecom

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

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593/14 – Ref 1198/030/14 – 235 Main Street (Leeds Building Society) – Proposed new projecting sign

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

594/14 – Ref 1198/036/14 – Naval Ground – Application to install screen

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

595/14 – Ref 1198/038/14 – Sea Scouts, Queensway – Proposed advertising signs

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

596/14 – Ref 1198/039/14 – Main Street – International Museum Day banner

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

597/14 – BA12010 – 9/8 Naval Hospital Hill – Revised design for consideration

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

598/14 – BA12124 – Engineer Road, Maida Vaile – Proposed minor amendment to approved plans for entrance gates

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

599/14 – BA12425 – 8 Ellerton Ramp, Buena Vista Estate – Proposed internal alterations

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

600/14 – BA12504 – 2 Pelham House, Buena Vista Flats – Additional alterations to flat

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

601/14 – BA12881 – 6 Mount Road – Revised alterations

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

602/14 – BA12995 – 2D Gardiner's Road – Proposed minor alterations

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

603/14 – BA13069 – 25B Casemates Square – Proposed office fit out

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

604/14 – BA13072 – 81/83 Governor's Street – Proposed refurbishment

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

605/14 – BA13077 – Unit 23 Leisure Island, Ocean Village (Casino) – Application for internal alterations

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

606/14 – BA13137 – 23 Bell Lane, Cornwall's Centre – Proposed internal alterations to apartment

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

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607/14 – BA13144 – 9/11 Engineer Lane – Proposed structural alterations

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

608/14 – BA13156 – 22 Lime Tree Lodge, Montagu Gardens – Minor internal works

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

609/14 – BA13167 – 19/2 Road to the Lines – Proposed replacement of all windows

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

610/14 – BA13168 – Unit G6C & Unit G4 Cornwall's Centre – Proposed internal subdivision and change of use

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

611/14 – BA13169 – 9/3 Cooperage Lane – Proposed alterations and refurbishment

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

612/14 – BA13170 – Mount Pleasant, South Barracks Road – Consideration of proposed internal alterations only

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

613/14 – BA13173 – Apt, 603 Watergardens – Refurbishment of apartment

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

614/14 – BA13175 – Former BMW garage, Bayside Road – Additional internal partitions to create site office for World Trade Centre Project

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

615/14 – BA13176 – Suite 811, Europort Road, Europort – Minor internal alterations

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

616/14 – BA13181 – 14 Highcliffe House, Europa Road – Application to enclose balcony with glass curtains

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

617/14 – BA13189 – 42 Devil's Tower Road – Proposed alterations and refurbishment

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

618/14 – BA13189 – 42 Devil's Tower Road – Revised plans for new ablutions

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

619/14 – BA13190 – Flat 20, Ragged Staff Wharf – Proposed internal alterations

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

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620/14 – BA13192 – The Boardwalk, Tradewinds – Proposed replacement of timber floorings

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

621/14 – BA13194 – Suite 603, Europort Building – Proposed alterations

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

622/14 – BA13199 – Unit 19 Public Market, Market Place – Proposed refurbishment and alterations to market stall

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

623/14 – BA13201 – 3 Edward House, The Clifton’s – Blocking of external patio door

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

624/14 – BA13203 – Block 1, 903 Europlaza – Application to enclose two balconies with glass curtains

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

625/14 – BA13205 – 4 Straits View, Naval Hospital Road – Proposed internal alterations

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

626/14 – BA13211 – 7 Cooperage Lane – Application for internal alterations

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

627/14 – BA13212 – Marble Arc, 10 Main Street – Re-modelling of Main Street frontage and enclosure of internal patio.

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

628/14 – BA13219 – Calpe Lodge, Town Range – Proposed additional 3 windows to façade

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

629/14 – BA13220 – Gibraltar Airport Terminal – Proposed EPU refurbishment

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

630/14 – BA13221 – Eastern Beach changing rooms, Life guard posts, Eastern Beach Road – Installation of pole to facilitate Wi-Fi antenna

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

631/14 – BA13226 – Unit 23B Casemates Square – Proposed signage and internal refurbishment to convert commercial unit into office

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

632/14 – BA13231 – Waterport Place, North Mole Road – Proposed new cellular office and rest room

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

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633/14 – BA13233 – 24/2 Scud Hill – Application to replace doors and windows

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

634/14 – BA13239 – 3/3 Bright Cottage, Charles V Ramp – Proposed internal and external alterations

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

635/14 – BA13243 – 11 Cornwall’s Parade – Proposed refurbishment and conversion

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

636/14 – BA13244 – 201 Sunrise, Royal Ocean Plaza – Internal alterations

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

637/14 – BA13254 – 107 Portland House – Application to rearrange internal walls

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

638/14 – BA13261 – Unit A, The Tower, Marina Bay – Proposed awnings

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

639/14 – Ref T/008/14 – Castle Road/ Road to the Lines – Application to remove tree

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

Any other business

640/14- Next meeting

The Commission agreed to next meet on Wednesday 22nd October 2014.