

*Approved*  
*DPC meeting 4/16*  
*19<sup>th</sup> April 2016*

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 4<sup>th</sup> Meeting of 2016 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 19<sup>th</sup> April 2016 at 09.30 am.

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**Present:**

Mr P Origo (Chairman)  
*(Town Planner)*

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

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

Mr H Montado (HM)  
*(Chief Technical Officer)*

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

Mrs C Montado (CAM)  
*Gibraltar Heritage Trust*

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

Mr J Collado (JC)  
*(Land Property Services Ltd)*

Mr C Viagas (CV)

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

Mr W Gavito (WG)  
*(Rep Commander British Forces, Gibraltar)*

**In Attendance:**

Mr P Naughton-Rumbo (DTP)  
*(Deputy Town Planner)*

Mrs M Brittenden  
*(Minute Secretary)*

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**Approval of Minutes**

**200/16 – Approval of Minutes of the 3<sup>rd</sup> meeting of 2016 held on 22nd March 2016**

The Commission approved the Minutes of the 3<sup>rd</sup> DPC meeting of 2016 held on 22nd March 2016.

**Matters Arising**

**201/16 – BA13371 – Loreto Convent School, 13 Europa Road -- Proposed extension to north east corner of approved multi-purpose hall with classrooms.**

DTP advised that this is a revision to a planning application that was deferred to enable the applicant to submit further justification for the changes proposed and also to allow the Committee members to visit the site. The applicant provided the information requested, which had been circulated to members, and no adverse comments were received from the Commission members present at the site meeting.

DTP said that the proposal is to build an extension to the approved sports hall. This extension will be built on a void to the north east corner of the plot, which is part of the landscaped area. This void will be used to provide a larger lobby, improve circulation, additional storage at mezzanine level and a staff room.

DTP also told the Commission that the revised proposal also includes a green roof and they had also been discussing the possibility of adding a living wall, which unfortunately is not a possibility because the adjoining property is abutting.

DTP added that from a planning point of view, he would recommend approval of the extension. In terms of landscaping he confirmed that the extension would not result in loss of trees, additional planting will be carried out and the extension would incorporate a green roof.

The Commission approved the revisions unanimously.

**202/16 – BA13574 – 4 St Christopher's Court, Europa Flats -- Proposed kitchen extension into privately owned patio area.**

DTP said that this application had previously been approved for a single storey extension with a mono-pitch roof. The applicant had proposed a revised scheme to change the mono-pitch roof to a single storey flat roof extension and incorporate a roof terrace accessed from the first floor.

DTP said that there is minimal visual impact although they have a slight concern with possible future proposals to increase the height and include more floors. Subject to this DTP has reserved objections to this proposal.

JC commented that the windows to the west encroach onto the next property. DTP explained that the applicant is willing to forego the windows and proposed that this be included as a condition if approved by the Commission.

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The Commission approved the proposed revision to the scheme subject to the proposed conditions.

**203/16 - BA13642- 7C Engineer Road - Proposed construction of detached villa**

DTP updated the Commission on this matter. This application was granted permission to include an additional dwelling in a property within the Nature Reserve. In the last DPC meeting a concern was raised by MEH as there had been clearance of trees. Town Planning viewed the site and confirmed that the proposed area had been cleared of vegetation undergrowth and some trees which were to be retained appeared to have had been cut down. He confirmed that Town Planning had to take measures now and approach the Applicant.

MEH asked DTP if he was aware that trees had been 'lost' and stated that this was contrary to the Trees Act and proposed that legal enforcement should apply.

DTP advised that the Town Planning section would be pursuing the matter with the applicant.

**204/16 - F/13912/16- 5C Library Ramp - Construction of extension at roof level and creation of a new roof terrace as well as construction of a new external lift shaft and front entrance lobby and other external alterations**

DTP informed the Commission that this application was considered by the Commission at the last meeting, the original proposal was for a contemporary design, two-storey extension at roof level and the construction of a lift shaft on the front of the building and various other external alterations.

The application was refused by the Commission in the March Meeting on the basis that the lift shaft was not in-keeping with the character of the building and that the design was not in accordance with the Gibraltar Development Plan design guide.

DTP explained that in the revised scheme the architect had harmonized the fenestration, they had addressed the window proportions and the height of the wall of the terrace had been reduced. The lift shaft remains as previously proposed other than it is being treated with a white render. DTP mentioned that there had been concerns with the originally proposed roof terrace and this has now been addressed as the design of the new terrace has been pulled-back.

DTP said that that the planning welcomes the new proposals for the fenestration although there are concerns with the proposed lift shaft and extension. The Applicant had been asked to consider a chair lift as an alternative but they confirmed that there was no room for a chair lift and highlighted that the proposed lift will be used by a person with a severe physical disability.

DTP asked the Commission to consider the main issues being: the proposed lift shaft, the vertical extension and the contemporary nature of the design.

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JC asked whether the building was in the public highway, DTP explained that the building is set back within a private courtyard and is not in the public highway, although the main concern is that the building has specific features and characteristics which they would want to retain.

The Chairman welcomed comments from the Commission, CAM stated that the Trust welcomed the improvement to the fenestration but they still have concerns on the addition of the lift shaft and asked the Applicant to reconsider the use of a chairlift as an alternative.

The Chairman welcomed the Applicant to address the Commission, Mrs Delgado and Mr Dominic Harvey (architect) explained that the reasons for this proposal is to be able to make a living area for a member of the family with a serious physical disability. The person is unable to sit on a chair and is currently in the Intensive Care Unit at St. Bernard Hospital. The extension proposed is to re-house the family member who has been separated from the family due to his disability. The architect also confirmed that the staircase is too narrow to fit a stair lift.

Mrs Delgado stated that their property is located within a private residential building, within an area where there are other generally residential units, and believes that the proposed lift shaft will not affect the general look of the area. Mr. Harvey also added that the building has a single frontage it is not possible to locate the lift on any other location.

The Chairman asked the Applicant whether they accept the proposed traditional look for the extension and lift shaft. The Applicant commented that their proposal is mixing the old and the new, consistent with other refurbished buildings around Gibraltar.

CV agreed with the Applicant and added that it is impossible to create a lift shaft in a Georgian design to be in-keeping with the character of the building. He also stated that he has no problem with the incorporation of the old and new forms of design and that the building is within a private courtyard and therefore is excluded from the public view. The Chairman affirmed that the Gibraltar Development Plan (GDP) does not differentiate between a private and a public domain and in this case the courtyard in question is in a public domain and as access by the public into the courtyard is not denied. The GDP requires the DPC to be concerned with the overall building design and the overall characteristics of the building.

DTP commented that if the Commission decides to approve the lift shaft, it should be in-keeping with the general design and added that they could incorporate certain Georgian features, such as characteristic windows covering the lift shaft, to make it look like a stair core, rather than a lift shaft. He also clarified that the Gibraltar Development Plan does not make a distinction between the private and public highway but that it is about maintaining the character of the Old Town as a whole and making sure that new extensions are not overly dominant.

The Chairman asked the Commission to take a decision as regards to the proposed works and character and design of the proposal.

JC stated that he did not have a problem with the overall proposed design and added that this building is outside the streetscape and the proposal will be an improvement to the building.

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DCM added that the Applicant's reasons for the proposed works are exceptional and given the circumstances, the Commission should allow the addition of this lift shaft. He also added that the revised design is an improvement to the previous proposed application and he has no objections to this new proposal

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

9 in favour  
2 objections  
1 abstention

The Commission approved the revised application based on the exceptional circumstances of the case, particularly the location of the property which is not on a highway, but subject to the condition that the extension is pulled back as much as possible from the front plane.

**205/16 – REF 1225 – Sub-Committee – Delegated Powers**

DTP explained that this issue was raised at the last meeting. A copy of a previous report on the Sub committee's delegated powers had been circulated to all members for their information.

The Commission ratified these delegated powers.

**Major Developments**

**206/16 – F/14100/16–Buildings D & E, Midtown Development, Naval Grounds, Reclamation Road -- Mixed use scheme with residential, commercial, offices, ancillary and parking areas.**

DTP explained that this is a full application for Phase Two of the Midtown Development located at the Old Naval Playing Grounds in between Reclamation Road and Queensway, which follows from the outline planning application submitted. The Applicants addressed the Commission.

The Commission welcomed Mr. M Roberts (Architects) and Mr. Jimmy Garbarino. Mr. Roberts explained that this was a full application for buildings D and E, the 4<sup>th</sup> and 5<sup>th</sup> building in the Mid-Town Development and seeks approval for the detailed design, accommodation mix, façades, environmental measures and proposals for matters arising from the outline planning application and permission. He added that Building D sits between building C of the Mid-Town development with the Mid-Town car park to the north; it fronts onto Queensway and also faces a new proposed courtyard. The changes in the massing and heights aimed to allow more light into the proposed courtyard.

He stated that due to buildability and phasing reasons, they propose different building use and the original building B has been spilt into two parts, which will now be known as building D and E and original building E will be now known as building F. Building D contains commercial and retail units at the ground floor, level 1 and 2 are parking facilities, level 3 is further commercial units.

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These commercial units will be accessed by the courtyard by a separate glass lift and the residential accommodation occupies all the other floors above.

He further added that the lower roof level to building D is linked to building C, which forms an extended sun deck terraced area for private residents. This proposed building will have retail units on the ground floor, levels 1 and 2 are parking and the levels above are office accommodation. The treatment will be similar to that of Phase 1 of the Mid-Town Development to give a coherent appearance to the entire development.

Mr Garbarino further added that the proposed Building E will be a commercial building, which will be facing south onto the courtyard. Its façade will contrast to the neighbouring buildings and will be extensively glazed. The proposed landscape design will be a key feature in the design and the second courtyard will bridge the link from Queensway to Reclamation Road and the new car park to the north. The centerpiece of the courtyard will be a glazed lift providing access to the commercial unit on level 3 and will also incorporate a water feature. These proposals will enliven this courtyard which will also have low-level planting and will be paved with high quality stone.

The Chairman asked the Applicant to provide the Commission with illustrations of the proposed shopfronts on the commercial side of Queensway. The Applicant will provide detailed designs for the Commission and added that the proposed shopfronts on the commercial and retail areas will carry the same design theme.

MEH asked whether the proposed designs will incorporate alternative energy systems. The Applicant clarified that they have incorporated a centralized hot water system and PV panels on the roof, which form part of the energy efficiency proposals submitted. These proposals have now been handed to the pertinent authority and department for the Commission to review.

GM asked the Applicant whether the newly proposed massing design had a significant increase of the in height of building. Mr. Roberts stated that 52.6 metres were originally proposed and now the new proposal is increased by 1.3 metres. GM said that the Commission needs to ensure that the views towards the Rock are not obstructed any further and any other future proposals.

The Chairman noted that the proposed northern face of the building will have a bare wall and proposed that the Applicant enhances the design rather than having a 'blank' wall. The Architect welcomed the comments made and will study how to improve this elevation such as incorporating windows to the proposed design.

No further questions were made by the Commission.

DTP commented that the Director of Civil Aviation required that the glazing on the south and west facing elevations should have a reflectivity level of less than 10%.

The GRA had commented that the height of the building may interfere with radio and network systems and requested that the Applicant allow for utility companies to place an antenna on top of the new buildings. DTP reported however, that as in the earlier phase, the Applicant did not wish to allow this as residents were opposed to it.

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DTP added that as regards to the planning assessment they have no objections to the proposal, they welcome the proposed additional light to the rear courtyard and welcomed the introduction of the lift and water feature which will bring more interest to the area. The proposed façade treatment will be in line with the rest of the development already approved and recommends the proposal subject to the Commission's recommendations.

The Commission approved this application.

**Other Developments**

**207/16 - BA13383 - Naval Grounds, Reclamation Road - Consideration of applicants request to vary Condition 18 of Planning Permit No. 4642 to increase permitted construction hours from 08.00 to 20.00 to 08.00 to 22.00.**

DTP advised that this is a request by the contractor of the Mid-Town Development at Naval Ground and said that the applicant would like to amend the condition imposed on working hours on the original planning permit that limit them to work from 8am to 8pm and propose longer working hours during the longer daylight hours of summer, and have requested to extend the working hours until 10pm.

DTP said that he understands why the contractor wants to change these times, but that the condition was imposed to try to achieve a reasonable balance between the quality of life for the people living around the area and the contractor's ability to carry out the works expeditiously. It is a standard condition applied to all developments and has generally worked well. In this case there is no compelling reason to justify a departure from the standard condition particularly as the area is surrounded by housing estates and the summer season will mean windows are left opened and if the hours were to be relaxed could lead to the instantiation of air conditioning units.

The Commission refused the request.

**208/16 - F/13990/16- The Tea Leaf, 61 Main Street. - Proposed additional use class (A3) to permitted range of uses (A1), installation of external roller shutter and request for provision of external tables and chairs.**

DTP said that the proposal is a full application for a shop known as the, Tea Leaf to extend the use class to include A3 ( food and drink) and to also propose to install an external shutter and apply for the provision of tables and chairs. The proposal entails replacing the existing window and providing a fixed pane on the top arched area of the window and placing a roller blind below to provide security to the shop, together with some minor internal alterations.

DTP said that they had received various objections, copies of which had been circulated to Members, and one of the objectors would address the Commission. The Chairman welcomed Mr. T Finlayson, representing Ms. Struggles, the main objector to the proposal. The objector stated that the main concern was for pedestrians, who have to step on to the road side, to their endangerment, especially during delivery times as most pedestrian areas in Main Street are being covered by table and chairs and advertising boards. He also wanted to make the Commission

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aware that the Applicant had placed tables and chairs months ago, prior to permission being granted.

The Chairman welcomed Ms. Locke, the Applicant to address the Commission. Ms. Locke said that although she recognizes that there can be a problem with the obstruction of pavements in Main Street, she believes that there is ample space for the public to walk on the pavement area, where she proposes to place the tables and chairs, she also mentioned that she proposes to place the table and chairs on only half of the pavement.

Ms. Locke apologised to the Commission for placing tables and chairs prior to her application and said that she had not being aware that a table and chairs licence was needed and added that as soon as she was informed by the department of the situation she removed the tables and chairs. Ms. Locke said that her application for tables and chairs are due to the nature of her business as she plans to introduce a healthy eating option, vegetarian and health foods, healthy tea, sandwiches, salads and smoothies to cater for tourist and locals. The proposal is to place five tables and their complementary chairs immediately in front of her business's window.

The Chairman made clear to the Commission that the licenses are granted by square metre and that the amount of tables & chairs placed within the designated area is up to the applicant.

DTP asked the Applicant to confirm whether when she said that she could just use half of the pavement was she referring to the 3 tables nearest her façade. Ms Locke confirmed this was correct although she felt it would affect her business.

CV asked whether permission can be granted with the condition that the tables and chairs are placed after delivery hours. The Chairman explained that there are no conditions imposed as regards to the times in which the tables and chairs can be placed.

DTP expanded on this and said that only certain applications have conditions imposed, these are applications granted on areas where the tables and chairs are placed on the carriage way, such as Parliament Lane, where the condition imposed is that no tables and chairs can be placed until 11am, after delivery times.

The Chairman added that many businesses depend on early morning coffee and breakfast service and so having this condition imposed may gravely affect their businesses.

CV commented that many businesses are abusing the permit allowance by adding advertising banners and large advertising signs in addition to the table and chairs. He added that these advertising features are taking much more of the pavement than allowed and the Commission should review this issue.

MEH agreed with the comments made by CV and added that the Government together with the Commission should review the hours of delivery and table and chairs licences, to reach some type of understanding to improve the current situation in Main Street. He also proposed that the conditions of tables and chairs licences, be reviewed before the annual renewal date.



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Following on from this general discussion the Chairman asked the Commission to provide their comments for the application in hand and asked the members to take a decision on whether the applicant's proposals should be approved.

DTP further added that the town planning section had no objections to the proposal to extend the use to include Use Class A3 food and drink. He stated that in terms of the proposed external alterations to the shop front, it wasn't recommend the total removal of the original window and suggest that the proposal should be refused, given that the design is not consistent with the adjacent fenestration which forms part of a unified frontage. The frontage on the Tea Leaf forms part of the same building to the adjacent business which has generally the same shopfront design. He reminded the Commission that it had refused in a previous application in the past an application to change the adjacent window into a door.

The Commission concurred with the recommendations. The extension to the use was approved, the changes to the window and the roller shutter were not approved and the table and chairs license was approved for an area against the frontage only.

**209/16 - F/13995/16 - Orion House, 6 George's Lane - Construction of a two storey extension on the roof and general refurbishment of existing building**

DTP informed that this is a full application to internally refurbish the residential units in the building and construct a two-storey extension above to add two more units. He said that there have been written representations submitted, copies of which were circulated to members. A site meeting had been held for DPC members to view the site of the proposed works.

DTP briefed members that the proposal for this application includes the complete refurbishment of the building including the retention of windows and shutters on the George's Lane façade and the addition of a two storey extension above. DTP mentioned that the proposal also included the ground floor refurbishment and replacing the existing doors and windows, although full details of the fenestration had not been provided.

DPT also said that the Applicant propose to introduce a commercial/retail unit and a studio on the ground floor. A new small lift is proposed within the building. The general proposal is to convert the building into five separate apartments and the two additional storeys proposed will have terraces, one facing George's Lane and another to the rear.

DTP added that the main objections received are from the residents adjacent to this building. The proposed extension is next to the objectors light well and the proposed design will have windows facing the objectors private light well. DTP stated that there has been a previous application to convert the building into a boutique hotel and subsequent to the Commissions objections the application was withdrawn.

The objectors Mr. and Mrs. Brooks addressed the Commission; they stated that the inner well is the only source of natural light into their property and said that the proposed two floor extension will have a detrimental effect on the natural light provided to this light well. They were also very

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concerned as the proposed window openings are facing directly into their inner well adversely affecting their privacy.

Mrs. Brooks mentioned that they are currently seeking legal advice to confirm whether or not the dividing wall is a party wall as they are very concerned over the structural stability of this wall poses if the construction were permitted a health and safety risk. They also stated that the new proposed two storey extension will encroach on their property and the proposed opaque glass feature on the top floor raises privacy and property rights in the future.

The Commission had no more questions for Mr. and Mrs. Brooks and welcomed the agent for the proposal, Mr. Harvey from AKS. Mr. Harvey stated that the proposed extension will not be built in front of the light well and the extension will be set back. He also said that the proposed window openings are not particularly needed, the purpose for this was to borrow natural light from the light well, but they have no problem in omitting this from the design concept. The Agent also confirmed that as regards to the party wall issue, the works proposed shall be subject to building control verification who will ensure that everything will be checked.

DTP said that some members of the Commission visited the site to further understand the situation. He added that the extension is a contemporary design but has some traditional features such as the terrace balustrade. DTP said that the agent had offered to address the encroachment and privacy issues raised by the objectors by removing the offending windows.

DTP also commented that the issue of loss of privacy by the windows overlooking the light well and the impact from the additional two storeys are fairly minimal, as the actual extension on the first of the two upper storeys does not exceed the current building height of the wall dividing both properties. The proposed second level of the extension will be set back further and does not project beyond the start of the light well. DTP said that subject to the issue of the windows overlooking the objector's property being addressed, by removing them altogether and other concerns being addressed, the department recommends approval of the scheme.

The Chairman recommended an additional condition for the glass panels to be opaque for privacy reasons.

CAM said that they propose a further condition regarding the interior of the building, as some original features, such as marble staircase, stone floors and balustrades and internal cladding around doors and windows should be maintained. CAM recognized that these internal features are in very good condition and should be kept as this will also add value to the building.

The Commission approved the scheme subject to the proposed conditions and subject that there be a site visit to identify those internal features to be retained.

***The Chairman called a 15 minute break at 10.15. The meeting resumed at 10.36***

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**210/16 - O/13977/16 - Lower Poca Roca, Upper Rock - Construction of four houses replacing the existing buildings on site and reinstatement of road between Lower Poca Roca and Bruce's Farm.**

DTP referred members to the papers circulated ahead of the meeting including objection letters received.

DTP said that the new proposal was to demolish the existing bungalow and replace this with four, three storey dwellings located at lower Poca Roca situated within the Upper Rock Nature Reserve and reinstate an abandoned and overgrown road which links Bruce's Farm with lower Poca Roca. This new proposal also included the provision of parking in an area at the bottom part of this road.

DTP added that the proposed dwellings will be built below the existing ground level behind a retaining wall, which needs re-building. The total proposal incorporates a garden and pool area. The overall building will be flat 'green' roofed in a contemporary design with the use of glazing, white render and timber features.

DTP said that the proposal will incorporate photovoltaic panels to generate electricity and rain water harvesting. The use of air-conditioning is to be avoided by controlling the climate through the design elements of the proposed building and the massing of the Rock to keep the building cooler.

DTP briefed the Commission on relevant planning history. In October 2013, the Commission approved an application to construct an additional dwelling, the existing bungalow had two generations living under one roof, taking this into consideration the Commission had approved that proposal as it was not a new family moving into the Nature Reserve. He briefed members on other applications received within the vicinity and said that in June 2015, an application was approved for a replacement dwelling in the upper part of the Poca Roca area, This fell within the policy provision of the Nature Reserve complying with the 20% volume allowed by the policy and more recently a subdivision of a property was allowed.

DTP said various objectors would now address the Commission with their concerns. Mr. and Mrs. Saunders addressed the Commission. The objectors live in Lower Bruce's Farm, which falls within the vicinity and near the area of the development. Their concern is mainly with the sewage system used by the existing properties in the area, which coincidentally runs down through their property and has already overflowed on two occasions causing severe damage to their property. The Objectors are mainly concerned that that the increase in dwellings in the area will gravely further affect this already problematic sewage system.

Mr Saunders also commented that to his knowledge, no condition survey has been made in the area and asked for the developer and the relevant Government department's reassurance that if any problem were to arise from the overloaded sewage system, that any repair costs will be covered.

Mrs. Saunders also raised concern with the portable water shortages in the area. She said that portable water is provided through water tanks that service Poca Roca and Bruce's Farm and foresaw a problem with water pressure and water shortages especially in the summer. The new

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proposal includes a pool and they believe that this will seriously affect the distribution of water and lead to shortages.

The final issue Mr. and Mrs. Saunders highlighted is the acute parking shortage problem in the area, explaining that the access road to the new proposed scheme is always crammed with cars. Rehab Center visitors and the Department of Environment vehicles regularly visit the area and park their cars in the proposed access road and in the existing dwelling's private parking spaces. The increase in the number of dwellings in the area will exacerbate and add to the parking problem in the area.

The Chairman summarised the objector's main concerns as being the sewerage system, parking problems and portable water pressure for the avoidance of doubt.

The Chairman welcomed the next objector Mr. Estella. Mr. Estella is a resident in the Upper Poca Roca and informed that he was representing the residents in this part. Mr Estella highlighted that the proposed development is contrary to the Gibraltar Development Plan (Z9.3/Z9.4), because it was proposing new dwellings in the Nature Reserve. He also drew attention to the proposed height of the dwellings, which does not comply with the volume and height restrictions in the Plan. This proposal will have a detrimental effect and impact on the surrounding area and the scheme does not have any regard for the environment and ecology of the Nature Reserve.

Mr. Estella also mentioned that the proposal will have detrimental effects on the already existing dwellings, such as overshadowing, overbearing effects and blocking the view for the neighbouring properties. He also highlighted that the design should be reduced in height and volume, so that it does not exceed the 20% permitted by the Gibraltar Development Plan policies. He also added that this scheme is detrimental to the wildlife and bio-diversity of the area and asks the Commission to ensure that the Gibraltar Development Plan 2009 is adhered to, safeguarding by any future development within the Nature Reserve and stated that if this proposal is approved, it will create a precedent for more similar building proposals and projects being submitted in the future.

The next objector Mrs. K Skilton was unable to attend and her husband, in attendance, stated that all their main concerns have already been stated by the two previous objectors and did not wish to add any further comments.

The Chairman welcomed the applicant Mr. Mr. McGrail and Mr. Dobbs from AKS. Mr. McGrail told the Commission that his family has been living at the lower Poca Roca area for more than 26 years. In 2007 his parents purchased the plot with the future aim of developing the area and construct a dwelling for himself. In 2013 an application to build a new dwelling was approved but more recently due to a change in family circumstances, the original application to construct an adjacent dwelling is no longer viable. Given this change in circumstances, Mr. McGrail approached AKS to obtain a solution to the new circumstances and to be able to fund new dwellings for his parents as they are going through a divorce.

Mr. Dobbs from AKS, stated that they recognize the importance of the conservation of the Nature Reserve, but pointed out that to the dilapidated state of the current dwelling that is an eyesore in this area.

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AKS explained they propose to rebuild the four new dwellings within the boundary of the site ,reconstruct a new access road up by Bruce's Farm, provide further parking facilities in that area and rebuilding the retaining wall to ensure the safety of resident above in the area. The developer stated that the application is an outline application and so all details will be presented in the full application regarding the portable water and sewage system and its concerns will be addressed. He also highlighted the fact the total height of the dwellings will not be higher than the rear property's wall, given that part of the development will be constructed excavated below ground. The rear properties will only see the proposed green roofs. The developer also added that they propose to work in conjunction with the residents and the Commission's advice to benefit all.

The Chairman asked the Applicant to clarify whether the current owners of the existing dwellings will be residing in the new dwellings, as the previously approved application was granted on the grounds that only the current occupiers will be residing in the new dwellings. Mr. McGrail said that two of the dwellings will be kept in the family, one for each parent and he will be residing elsewhere up until one of the dwellings is made vacant. The remaining two dwellings will be sold, to be able to fund the entire project and infrastructure works.

DTP said that they had received feedback from various departments. DOE are opposed to further developments in the Nature Reserve on the grounds that this is a Special Area of Conservation and within the Nature Reserve. They also mentioned that the Poca Roca Cave lies close to the site which adds to the ecological and natural heritage value of the site. GHT had no objections in principle to the replacement of dwellings but had reservations with the increase in mass and height of the new development and would require an archeological watching brief. TSD requested a rock fall assessment and to impose conditions on the stability of the retaining wall and the Traffic Commission had to be consulted regarding the new access road.

DTP added that if the application were to be approved an appropriate assessment under the Habitats Regulations would be required.

DTP commented that both generic policies apply as well as specific policies to the development, particularly as it is in the Nature Reserve – Policy Z9.3. He outlined the Development Plan policy approach to proposals for new development in the Nature Reserve saying that the main objective is to not permit new development but making some allowance for limited development in existing clusters of development. He stated that there is a policy to allow for replacement of an existing dwelling within the Nature Reserve, subject to conditions and no increase in the number of dwellings. He stated that one of the 'new dwellings' criteria is that there should be no more than 20% increase of existing volume , it should have no detrimental impact on the character of the area, no increase in number of dwelling units, the existing building is intact, design, scale, massing should be appropriate and no increase in height.

DTP reminded members that there is currently a valid planning permission for one replacement dwelling on the site.

DTP stated that having heard the applicant's reasons for the change in circumstances, whilst sympathetic, the Commission should not normally allow t personal circumstances to influence its decision. DTP said that the development is contrary to the policies and objectives of the

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Development Plan. He also said that if the Commission were minded to approve the application it would be a departure from the policies and the advice to the Commission is that such changes in policy would best be addressed through a proper review of the Development Plan. In that situation this application would be considered to be premature and should await any such revision.

DTP said that overall the proposal is considered to be contrary to the Nature Reserve policies, that other relevant policies have been considered but there is nothing that would outweigh the identified policy objections. The application was recommended for refusal.

The Chairman summarised by saying that the Commission has been consistent when applying the policies in the Nature Reserve. The Chairman also commented that with the proposed new road some kind of environmental screening may be required to verify if there were environmental effects such as the new road construction and sewage and water supply infrastructure improvements notwithstanding the possible negative effects on the local flora and fauna. KB commented that it would definitely cause additional disturbance to nature in the area.

The Commission refused this application. The Chairman suggested that the Applicant should pursue his valid permission as an alternative.

**211/16 – O/13989/16- Garage 13, 15 Eastern Beach Road – Construction of new residential building.**

DTP briefed the Commission and said that this is an outline application at Eastern Beach Road and the proposal is to construct a new residential building, involving the demolition of an existing garage and its replacement with a 24½ metre high, and eight storey building. This development will consist of six apartments and two vehicle entrances one at a rear access lane and the other straight onto Eastern Beach Road to accommodate eight car parking spaces.

DTP said that 100% of the plot will be developed. The first two floors are for car parking and the remaining floors will accommodate the residential units. Double height louvered panels shall screen the garage levels and provide ventilation for the car parking area. There will be 4 bedroom apartments between Floors 1 to 5 and the 6<sup>th</sup> floor would have a 2 bedroom apartment. He also pointed out that no landscaping has been proposed.

DTP commented that no objections have been received from the public under section 19 and as regarding the departments important comments received are from the MOD and the Director of Civil Aviation who require an Aeronautical Study, in particular it would need to consider reflections lighting, debris from construction waste, birds and crane management.

GHT had no objection from a heritage point but had pointed out the lack of activity at the street level. LPS have objected to the proposal. TSD raised concerns in relation to circulation space within the parking levels and the access into the carpark from the road.

DTP explained that the Town Planning Section has concerns on this proposal as this development will be on the main gateway into Gibraltar. It has serious concerns regarding the future townscape vision and general vistas along the new road into and out of the new tunnel. It recommends that

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the Commission take a holistic approach to this area before approving this or any future schemes. Therefore the application is considered to be premature.

In the case that the Commission didn't concur with this view, there are concerns with a number of issues including developing on 100% of the site, the lack of landscaping, the 'solid' architectural appearance and significant massing of the design which is not particularly articulated. DTP also had reservations with the proposed 'dead'-louvered frontage of the double height garage and the absence of energy sourced renewables in the proposal.

DTP presented a drive-through clip of the general look of the entry into Gibraltar from the new tunnel which had incorporated the proposed building.

JC commented that LPS refused the proposal on the grounds that the Government has already rejected another proposal on the same site on land use issues.

The Chairman requested the Applicant to approach the Commission if they so wished following the comments already aired and welcomed one of the applicants Mr. J Torres to address the Commission. He explained that they had previously applied to LPS for the change of use from workshop to residential development and it was refused on the grounds that no developments would be allowed in the beach. It was then after the approved application for a boutique hotel along Eastern Beach Road that the Applicant approached the Deputy Chief Minister and they were advised to re-apply and it will be reviewed at DPC level. He also confirmed that area is privately owned by the owners of the garages who are residents from Sunrise View.

DCM pointed out that the refusal of the first proposal by the Government was on the need for taking a holistic approach to the area, given its important as the main gateway into Gibraltar.

MEH agrees with a proposed holistic approach for the area to avoid sub-standard developments.

The Commission refused the scheme on the grounds presented by the Town Planning Section. A recommendation was made for the Government together with the Commission to take a holistic view of the Eastern Beach area and asked the Applicant to reconsider the proposal in the future, after the holistic proposal is agreed.

**212/16 - F/14097/16- 154 Main Street - Proposed internal and external alterations to existing ground floor retail unit.**

DTP explained that this application was referred by the Sub-Committee as there was a concern with the blocking up of a shop front window located in the primary shopping area corner of Main Street and John Mackintosh Square. Other issues have already been addressed by the applicant on various other issues raised at the Sub-committee.

The alternative suggestion is to have a vinyl cover on the window and build a wall behind this. This is to block direct sunlight into the shop as that will be dealing with the sale of chocolates. The Town Planning Section recommends refusal on the ground that the Applicant's proposal shall create a dead-frontage and recommends that the applicant keep the window be kept and the



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alternative suggested be their solution by creating a narrower window display with a solid wall behind to panel display articles sold in the shop.

The Commission approved the proposal subject to recommendations by the Town Planning Department.

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

**213/16 - BA F/140209/16 - Former Aquagib Warehouse adjacent to North Mole Road - Proposed remedial works and minor alterations to convert disguised Aquagib warehouse into a commercial warehouse premises.**

The Commission approved this application subject to Traffic Commission comments.

**214/16 - BA F/13828/15 - 84/90 Main Street - Conversion and refurbishment of former Barclay's Bank as three storey department store.**

The Commission approved this application.

**Applications granted permission by subcommittee under delegated powers (For Information Only)**

**215/16 - BA 10450 - 36/38 Crutchett's Ramp/1-4 Demaya's Ramp -- Consideration of amendment to change use of commercial ground floor unit into a studio apartment.**

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

**216/16 - BA11840 - 12/5 Buena Vista Road -- Consideration of revised plan for the installation of individual skylights on west facing façade of roof.**

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

**217/16 - BA11850 - 18 George's Lane -- Consideration of revised plans for removal of garage that was not permitted and removal of first floor balcony**

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

**218/16 - BA13155- Ex St Joseph's School, Witham's Road -- Proposed minor internal amendment to subdivide a 3 bedroom apartment into two one bedroom apartments.**

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

**219/16 - BA13382 (Outline) - 18 Lower Castle Road -- Renewal Outline Planning Permit No.4654 for an additional year.**

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

**220/16 - BA13618 - 69/71 Main Street - Consideration of revised plans reflecting deviations built out on site to extension to rear of property to address concerns of neighbouring property and request to install aluminium windows on front façade of building.**

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

**221/16 - F/13986/16 - 207 Sand Dune House, Beach View Terraces -- Proposed internal**



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**alterations.**

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

**222/16 - F/13997/16 - 317 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**223/16 - F/13992/16 - Vault No.6, Jumpers Bastion, Rosia Promenade -- Proposed internal refurbishment of existing vault and introduction of new full height glazed screens within existing arch recesses.**

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

**224/16 - F/13994/16 - 104 Abyla Lodge, Mons Calpe Mews -- Proposed internal alterations.**

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

**225/16 - F/13999/16 - 259 Main Street -- Refurbishment of shop premises.**

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

**226/16 - F/14002/16 - 817 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**227/16 - F/14003/16 - 5 Sand Dune House, Beach View Terraces -- Proposed internal alterations.**

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

**228/16 - F/14005/16 - 424 Seashell House Beach View Terraces -- Proposed internal alterations.**

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

**229/16 - F/14006/16 - 415 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**230/16 - F/14007/16 - 908 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**231/16 - F/14008/16 - 815 Seashell House Beach View Terraces -- Proposed internal alterations and installation of air conditioning unit in agreed location on balcony.**

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

**232/16 - F/14011/16 - Flat 20, Highcliffe House, The Cliftons, Europa Road -- Proposed installation of sun awnings to three external sides of balcony.**

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

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**233/16 - F/14017/16 - 26 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**234/16 - F/13961/16 - 1025 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**235/16 - F/14020/16 - 114 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**236/16 - F/14021/16 - 209 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**237/16 - F/14023/16 - 116 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**238/16 - F/14025/16 - 512 Neptune House, Marina Bay -- Proposed removal of terrace wall and replacement with a galvanised steel hand rail.**

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

**239/16 - F/14027/16 - 901 Europlaza, Europort Avenue -- Proposed installation of glass curtains.**

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

**240/16 - F/14028/16 - 40c Prince Edwards Road -- Proposed replacement of 8 single glazed aluminium windows and one door with uPVC windows, as well as, replacement door.**

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

**241/16 - F/14032/16 - 226 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**242/16 - F/14035/16 - 20 Penny House, Naval Hospital Road -- Retrospective application for the installation of an air conditioning unit.**

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

**243/16 - F/14036/16 - 810 Sand Dune House, Beach View Terraces -- Proposed internal alterations and installation of air conditioning unit in agreed location on balcony.**

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

**244/16 - F/14037/16 - 2 Abyla Lodge Mons Calpe Mews -- Proposed internal alterations and**

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**installation of air conditioning unit in agreed location on balcony.**

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

**245/16 - F/14039/16 - 39-41 Irish Town - Proposed refurbishment of canteen area and extension to existing office area.**

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

**246/16 - F/14040/16 - 245 Main Street -- Proposed refurbishment of existing shop premises, including new signage and stone tile finish to façade.**

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

**247/16 - F/14043/16 - 1107 Sand Dune House, Beach View Terraces -- Proposed internal alterations.**

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

**248/16 - F/14045/16 - 245 Main Street -- Proposed refurbishment of existing shop premises, including new signage and stone tile finish to façade.**

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

**249/16 - F/14046/16 - 7 Seagull Lodge Mons Calpe Mews -- Proposed internal alterations.**

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

**250/16 - F/14049/16 - La Bodeguiya, Units No. 10 & 11, Chatham Counterguard, Fish Market Lane - Proposed installation of new fixed external weather canopy in front of restaurant.**

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

**251/16 - F/14050/15 - 18 Sand Dune House, Beach View Terraces -- Proposed internal alterations.**

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

**252/16 - F/14052/16 - 504 Express Lodge, Mons Calpe Mews -- Proposed internal alterations.**

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

**253/16 - F14053/16 - 515 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**254/16 - F/14055/16 - Unit 26, Block 6, Watgardens - Retrospective application to regularise minor building modifications undertaken to an existing ground floor storage unit.**

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

**255/16 - F/14056/16 - 207 Abyla Lodge, Mons Calpe Mews -- Proposed internal alterations.**

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

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**256/16 - F/14057/16 - Unit 20 Ocean Village Promenade, Ocean Village - Proposed internal alterations.**

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

**257/16 - F/14058/16 - 8 Constitution House, Glacis Estate -- Retrospective application for the installation of an air conditioning unit within hanging basket.**

The Commission noted the approval granted by the sub-committee

**258/16 - F/14061/16 - 508 Seagull Lodge, Mons Calpe Mews -- Proposed internal alterations.**

The Commission noted the approval granted by the sub-committee

**259/16 - F/14062/16 - 912 Seashell House, Beach View Terraces - Proposed internal alterations.**

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

**260/16 - F/14064/16 - 107 Abyla Lodge, Mons Calpe Mews -- Proposed internal alterations.**

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

**261/16 - F/14066/16 - 304 Seashell House, Beach View Terraces - Proposed internal alterations.**

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

**262/16 - F/14068/16 - 316 Seashell House, Beach View Terraces - Proposed internal alterations.**

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

**263/16 - F/14069/16 - 126 Seashell House, Beach View Terraces - Proposed internal alterations.**

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

**264/16 - F/14073/16 - 204 Seashell House, Beach View Terraces - Proposed internal alterations.**

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

**265/16 - F/14074/16 - 3/3 Scud Hill - Proposed installation of frameless glass enclosures to two existing covered terraces.**

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

**266/16 - F/14076/16 - 420 Seashell House, Beach View Terraces -- Proposed internal alterations**

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

**267/16 – F/14094/16 – 7B Kings Yard Lane -- Proposed installation of partition walls with doors to create offices.**

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

**268/16 – F/14106/16 – 514 Seashell House, Beach View Terraces -- Proposed internal alterations.**

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

**269/16 – F/14022/16 – 15 Cornwall's Lane -- Demolition of a two storey structure within an existing light well, formerly used as WC's.**

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

**270/16 – A/13979/16 – 221 Main Street -- Replacement shopfront signage.**

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

**271/16 – A/14067/16G – Waterport Road from Waterport Roundabout to the Second World War Evacuation Roundabout, Devils Tower Road, Winston Churchill Avenue north and south of the Runway, Europort Avenue, Europort Road and Bishop Caruana Road up to Coaling Island Junction Roundabout, Queensway between Coaling Island Junction Roundabout to Trafalgar Interchange via Ragged Staff Gate, and Ragged Staff Hill -- Proposed placement of promotional banners on electricity posts to advertise 'Gibraltar Music Festival'**

The Commission noted the approval granted by the sub-committee

**272/16 – A/14072/16G – Waterport Road from Waterport Roundabout to the Lions Roundabout, Winston Churchill Avenue running south from the roundabout to Smith Dorrien Avenue, Europort Avenue between Europa Roundabout and Harbour Views Estate, Queensway and from Trafalgar Interchange to Rock Hotel Hill -- Proposed placement of promotional banners on electricity posts to advertise 'Calentita Food Festival'**

The Commission noted the approval granted by the sub-committee

**273/16 – N/14063/16 – 3 Europa Road -- Removal of pine tree and replacement with two semi-mature stone pines.**

The Commission noted the approval granted by the sub-committee

**274/16 – N/14079/16 – Eucalyptus Tree by the Tennis Courts, Bishop Fitzgerald School, Reclamation Road – Pollard to 1m below the canker on the main trunk and prune to shape the rest of the tree.**

The Commission noted the approval granted by the sub-committee

**275/16 – N/14080/16 – Secretary's Lane -- Replacement of Robinias along Secretary's Lane with Bauhinia Variiegatas.**

The Commission noted the approval granted by the sub-committee

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**Any other business**

**276/16 - Request for relaxation of Building Regulations**

DTP advised that there has been a request for relaxation of the Building Regulations relating to the Sanctuary Development at Maida Vale, Engineer Road. There has been a minor breach of the regulations in a hand rail in the internal staircase of the dwelling to which the Building Control Officer recommends approval.

The Commission approved the request to relax the Regulations.

**277/16**

JH queried the fact that renewal of permits was a delegated power for the Subcommittee irrespective of the scale of the project.

The Chairman confirmed that the Subcommittee would refer renewal applications for major projects to the Commission as was the case of the ex-Casino development

**278/16 - Next Meeting**

The next meeting will be held on 24<sup>th</sup> May 2016