

**APPROVED**  
*DPC meeting 1/12*  
25/1/12

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 1<sup>st</sup> meeting of 2012 of the Development and Planning Commission held at the Charles Hunt room, John Mackintosh Hall, on 25<sup>th</sup> January 2012 at 10.00 am.

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Present:

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

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

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

Mr G Matto (GM)  
*(Senior Architect)*

Mrs C Montado (CM)  
*(Gibraltar Heritage Trust)*

Mr M Gil (MG)  
*(Chief Technical Officer)*

Mr J Purser (JP)  
*(Defence Land Agent, Rep Commander British Forces)*

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

Mr C Viagas (CV)  
*(Heritage & Conservation Officer)*

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

In Attendance:

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

Mr E Francis  
*(Secretary)*

Mr C Russo (CR)  
*(Land Property Services Ltd)*

Apologies:

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

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**Introduction**

The Chairman welcomed the members of the Commission and the public who were in attendance.

The Chairman wished to thank the previous Chairman, the Hon J J Holliday for his fifteen years of service to the Commission.

The Chairman then gave a brief explanation on how the meeting would be structured.

**01/12 - Approval of the Minutes of the meeting held on 22 December 2011.**

The Commission approved the Minutes of the 13<sup>th</sup> meeting of 2011 held on 22<sup>nd</sup> December 2011.

**Matters Arising**

**02/12 – BA11656 - O'Reilly's, Leisure Island – Proposed glass curtains and awnings.**

DTP explained that the applicant was requesting approval of an amendment to the permitted blinds. The revised proposal included the wording 'Guinness' under the name. DTP explained that the Commission's policy has been to keep brand advertising on blinds and canopies to a minimum. DTP explained that the brand name in this case occupied a very small part of the blind and that based on the submissions by the applicant there were no planning objections.

MEH asked DTP to confirm the Commission's policy on brand advertising was aimed at avoiding a garish image.

DTP confirmed this and added that this revised submission did not have this effect.

The Commission approved this application.

**03/12 - BA11816 - Outline-Maida Vale, Engineer Road – Proposed 8 residential units.**

DTP explained that this item had been previously deferred in order to clarify whether the proposals encroached on open land to the north. He explained that following a number of site visits including one with members of Technical Services Department, it had been established that the area in question had been previously built upon and was not an untouched green area.

DTP stated that screening exercises to determine whether an EIA & AA was had not been completed because it was felt that further information was needed from the applicant in respect of geotechnical works. This had only just been submitted by the applicant and was being processed. DTP reported that the geotechnical study submitted by the applicants indicated that there was a risk of rock fall but this risk could be mitigated with the erection of a catch fence. The EIA and AA screening exercises would now be completed taking into account the submitted information.

DTP requested the Commission to consider whether inclusion of the area in the northern part of the site for development was acceptable. The Commission agreed that this would

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be acceptable. DTP explained the commercial arrangements for the land sale and that the applicant had indicated the need to conclude matters by the end of January.

DTP explained that the EIA and AA screening exercises needed to be completed but that if these concluded no significant impact the application should be approved. .

JH asked whether the fence would have an effect on the surrounding vegetation.

DTP explained that the fence would only require the clearing of a small corridor of vegetation. DTP further explained that as a result of discussions with GONHS it appeared that there may actually be a benefit in clearing vegetation as this may encourage the Barbary Partridge to use the area.

DCM asked whether the previous proposal for 39 houses had been granted planning permission.

DTP replied that planning permission had been granted but this permit had already expired.

CR pointed out that GOG as landlord needed to give consideration to this proposal as a result of the change to the scheme.

MEH said that this new scheme was a vast improvement to the previous proposal and was pleased that the applicant had stated that they would be introducing many positive green measures. He added that if successful this could be used as an example for future projects. However he would like the applicant to be conditioned to the introduction of these green measures and asked to review these conditions prior to the issuing of the permit.

The Commission approved the application subject to the EIA and AA screening exercises being completed and finding no significant effects prior to issuing any permission. It was agreed that the draft permission would be circulated for approval via round robin..

**04/12 - BA11851 - 7 King's Yard Lane – Proposed redevelopment and additional storey.**

DTP explained that the applicant had requested that the Commission reconsider its previous decision to increase the floor to ceiling height on 2<sup>nd</sup> and 3<sup>rd</sup> storeys.

The applicant had explained in a letter that the stipulated new heights would render the project unviable, due to the extra load the additional height would represent, given walls are to be constructed with bricks and mortar, and not in the new light weight construction methods.

At present the existing ground and first storey heights are approximately 4 meters whilst the 2<sup>nd</sup> floor is 3 meters high. The applicant is suggesting retaining the current ceiling height for the 2nd storey and, in addition, reflecting the same, in respect of 3rd storey.

DTP reported that the applicant had submitted revised elevations which showed that by adjusting the floor bands the floor proportions would be improved.

The Commission approved the revised design.

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**05/12 - BA11892 - 2 Rosia Parade – Proposed alterations to carport/garage.**

DTP reported on the study undertaken of other doors to the properties adjacent. The Commission approved the proposed alterations to the carport/garage subject to it being painted black..

**06/12 - BA11896 - Roof top, Atlantic Suites – proposed antennae and dishes.**

DCM declared an interest as Chairman of Gibtelecom and did not participate in any discussion.

DTP explained that the satellite dishes were to be located on the rooftop of the Atlantic Suites building and would not be very visible from the street.

JH asked how close these dishes would be in relation to residential or public areas.

GM stated that the residential area was located on the next floor down and so only the roof separated them.

The Chairman highlighted that a paper had been circulated to both the Environmental Agency and the landlord and no objections had been received from either.

DTP added that the request had the approval of the Gibraltar Regulatory Authority (GRA) who is required to approve the site on which antennae or dishes or to be erected.

MEH suggested approving subject to approval from the Environmental Agency.

GM asked whether the DPC could limit the amount of dishes in the area as there appeared to be a proliferation of dishes in this area.

The Chairman responded that currently the GRA is content with the number of dishes located in this area.

**07/12 - Ref-1225 - DPC sub-committee delegated powers.**

DTP referred to the paper circulated with the agenda and explained that at the last meeting of the Development and Planning Commission, held on 22nd December 2011, it was agreed that a sub-committee would be set up to consider applications involving development that was minor in nature. The sub-committee was granted certain delegated powers to determine applications. It had been agreed that the sub-committee would comprise the Town Planner and the Deputy Town Planner.

A written submission had been made by Mr John Collado (LPS) who whilst not questioning or doubting the professionalism of both Town Planners was concerned that this might raise eyebrows and not achieve the ultimate public aim which is that the process is transparent and beyond reproach.

CR suggested that the sub-committee be increased to three members which would also remove the impasse created should there be an instance when both Town Planners had different opinions.

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GM offered himself for the sub-committee.

The Chairman thanked GM for volunteering but expressed his desire that the 3<sup>rd</sup> member be a non GOG official.

CAM expressed the Heritage Trust's concern that the sub-committee has the powers to approve the installation of canopies as these could at times have an effect on heritage issues.

MEH suggested that CAM be on the sub-committee.

DCM said that he agreed with the increase to 3 members but felt that the canopy applications should be dealt with by the sub-committee.

The Commission approved the recommendations contained in the paper subject to:

- The composition of the sub-committee be increased to three with CAM to be the extra member;
- . All applications to be approved by majority decision.

**Other Developments**

**07/12 - BA11773 - Unit 5/6 Block 1 Watergardens – Revised frontage and sign details following planning permit.**

DTP informed that Commission that the revised frontage and sign was of aluminum framing with wood effect.

The Commission approved this application.

**08/12 - BA11808 - 17 Parliament Lane – Proposed change of use Class A1 to A3 & tables & chairs.**

DTP explained that the applicant was requesting a change of use from Class A1 (retail) to Class A3 (hot food and takeaway).

MEH asked whether there was any Environmental Agency involvement.

DTP stated that these applications were circulated to the Environmental Agency for comments. There had been no objections either from them or from tenants of the building and surrounding area.

The Commission approved this application.

**09/12 - BA11845 Demolition - Buena Vista Barracks, Europa Road – Proposed demolition of buildings (Phase 1)**

DTP explained that this application was an amendment to the approved scheme to demolish an additional wall in order to improve access to the site. The Heritage Trust had viewed the wall and had no objections as that particular section of the wall had been

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rebuilt in the past. The applicant had undertaken to salvage the stone which would be used elsewhere on the site.

The Chairman suggested that the use of the salvaged stone be included as a condition.

The Commission agreed to this and approved the application.

JH asked how was it ascertained that the conditions were implemented.

DTP explained that this was done by liaising with Building Inspectors.

**10/12 - BA11878 Demolition - St Stephen's Centre, South Pavilion Road – Proposed demolition of garage and part of building.**

CAM stated that the Trust wanted further details on the wall due to it being of limestone removing it would change the character of this area.

DTP said that the applicant would be using the salvaged stone in the new boundary wall so the character would not be altered.

The Commission approved this application.

**11/12 - BA11881 - 10 Library Street – Proposed extension at rear of property & internal alterations plus removal of palm tree.**

DTP explained that the proposal involved a rear extension and that the applicant wished to remove an existing palm tree situated in the rear patio. DTP stated that the tree in question appeared to be in good health but that a tree assessment would be required.

The Commission approved the extension and the internal alterations and subject to the findings of the tree assessment concluding that the tree did not need to be removed, did not approve the removal of the tree.

**12/12 - BA11889 - 31/33/35 Cannon Lane – Proposed refurbishment & extension following outline permission.**

DTP explained that this was a full application following the grant of outline planning permission. He highlighted that the refurbishment of the façade was welcomed as the character would be retained. DTP added that this proposal was in keeping with the Development Plan and there were no Town Planning objections.

The Commission approved this application.

**13/12 - BA11901 - Demolition - Buena Vista Parade Ground – Phase III – Proposed demolition of buildings**

DTP explained that outline permission had been granted for the whole development. DTP added that normally demolition would only be granted on the issue of full planning permit. However in this case demolition was being done in phases with Phase One having been already approved.

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DTP stated that the applicant was requesting permission to demolish several modern buildings and accretions and one old stone building (ablutions block) whose demolition had previously been approved.

JH asked where the Moroccan residents, currently living in the Stone Block, be relocated to.

DTP stated that this matter had been the subject of negotiations between the applicant and the previous administration and he was not privy to the details.

DCM enquired as to why there was a need to demolish the ablutions.

DTP explained that this matter was discussed at length with the developer, Heritage Trust and CV at outline planning stage. The developer felt that this building could not be included in their scheme. The developer maintained that its removal would allow the inclusion of two houses and would open up the vista towards the Stone Block.

CR was concerned that the two houses would not allow for the opening of the vistas to the stone block.

DTP said that the developer had been conditioned to locate the houses as far east as possible on the site in order to allow this.

CAM wished to clarify that the Trust had approved this reluctantly in order to allow the opening up of the vista towards the stone block which it was felt was the greater good. CAM added that this decision had not been taken lightly by the trust.

MEH was concerned that there was no guarantee yet on the final product and it was possible that after demolishing the ablutions block it could well be that this was not required.

The Commission approved the demolition of the modern buildings but did not allow the demolition of the ablutions until the final scheme was approved.

**14/12 - BA-11902 - Plot 81, Flint Road – Proposed single storey industrial buildings.**

DTP said that there were no planning objections although Technical Services had requested that the applicant undertake a geotechnical survey due to the proximity of the cliff face.

The Chairman said that the applicant should be conditioned to repairing and improving the boundary wall.

The Commission approved this application subject to the findings of the geotechnical survey and the condition suggested by the Chairman.

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**15/12 - BA11903 - CP1365A M H Bland Warehouse, North Mole Road – Proposed extension following outline planning permission.**

DTP explained that the proposed extension would result in a small increase to the current scheme as a result of the proposed extension.

MG asked whether confirmation could be obtained that this would not restrict access to Jetty No 3

JP stated that it would be advisable to check on any possible underground utilities.

DTP informed the Commission that LPS had advised that the proposed ramp was outside their leased area and required that the applicant seek consent from the landlord.

The Commission deferred this application pending clarification on the above.

**16/12 - BA11920 Outline - Former Sacarello Warehouse, Forbes Road – Proposed demolition of warehouse and redevelopment as car park to serve adjacent supermarket.**

DTP informed the Commission that he would be sending this application to the Traffic Commission to obtain its views.

The Commission approved this application subject to the comments from Traffic Commission.

**17/12 - Ref-1195 - 2 Naval Hospital Hill – Removal of tree.**

DTP informed the Commission that the applicant was requesting the removal of two trees, an Ombu and a Canary Palm. The Ombu had collapsed just before Christmas and the Palm tree had been killed by the weevil beetle.

The Commission approved this application subject to the planting of suitable replacements.

**18/12 - Ref-1196 - Aping About, 9/11 Corral Road – Application for tables & chairs**

The Commission expressed its concerns in relation to public safety as a result of the adjacent road.

The Commission carried forward this item pending clarification from the Traffic Authority.

**19/12 - Ref-1198/011/11 - Icom House, 1/5 Irish Town – Revised proposed fascia sign.**

DTP advised the Commission that his concern with this application was that if approved this could encourage adjacent businesses on the same building to erect similar signs which would be detrimental its character and to the streetscape. At the moment no ground floor shop signs projected above the floor band.

The Commission refused the amended signage.



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**20/12 - Ref-1198/014/11 - Lions FC, 43A Queensway – Proposed sign.**

DTP explained to the Commission that DPC policy has always been not to allow the affixing of signs on the city walls. However the GOG project at Chatham Counterguard has allowed this subject to them being of a standard design approved by GOG. DTP felt that as a result of this the Commission should review its policy before making a decision on this application.

CV suggested that the Commission should allow signage on the city walls subject to them being the same as those at Chatham.

GM informed the Commission that GOG was considering the refurbishment of the entire Wellington Front area, he asked the Commission to defer any decision pending this review.

MG said that the whole façade and front area of these premises required improvement. He suggested that GM meet with the applicants to discuss this.

This application was carried forward.

**Minor Works – not within scope of delegated powers**

**21/12 - BA11260 - Biancas, 6-7 Admiral's Close – Proposed glass curtains to replace awnings.**

The Commission approved this application.

**22/12 - BA11736 - FP1052, 4 Cumberland Steps – Proposed refurbishment, alterations and additional storey.**

The Commission approved this application.

**23/12 – BA11818 - 181 Main Street – Proposed new signs and canopy for BHS Store following planning permit.**

The Commission approved this application.

**24/12 - BA11870 - Mumtaz 20Cornwall's Lane – Proposed retractable awning.**

CV said that the proposed awning would destroy the character of the façade as it has the old arched entrance. A possible solution would be to have an awning which would mirror the arch.

MG requested that the applicant be asked to provide more information as to why the awning was required.

This application was carried forward pending submission of further details.

**25/12 - BA11910 - Marina Views, Smith Dorrien Avenue – Proposed bricking up of boundary wall.**

The Commission approved this application.

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**26/12 - BA11917 - Apt 25, Ragged Staff Wharf – Proposed installation of glass curtains to balcony.**

The Commission approved this application.

**27/12 - BA11926 - 115/116 Arcadia, Both Worlds – Proposed air condition units to roof.**

The Commission approved this application.

**28/12 - BA -11936-24B Elliot’s Battery – Proposed replacement of windows.**

The Commission approved this application.

**29/12 - BA11953 - 11 Naval Hospital Hill – Proposed replacement of enclosed balcony windows.**

The Commission approved this application.

**30/12 - BA11955-9 Britannia House, Marina Bay – Proposed refurbishment of flats including external alterations.**

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

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

**31/12 - BA11203 - 26/28 George’s Lane: Proposed three storey new build development. Renewal of outline planning permission.**

The Commission noted the approval granted to this application by the sub-committee.

**32/12 - BA11827 - 137 Watgardens – Retrospective application for internal alterations.**

The Commission noted the approval granted to this application by the sub-committee.

**33/12 - BA11857 - 119 Peninsular Heights – Proposed glass curtain to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

**34/12 - BA11895 - 225 Peninsular Heights – Proposed glass curtain to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

**35/12 - BA-11897-Flat 14, 3 Serfaty’s Passage – Proposed internal alterations to residential unit.**

The Commission noted the approval granted to this application by the sub-committee.

**36/12 - BA-11898-213 Peninsular Heights – Proposed glass curtain to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

**37/12 - BA11899 - Suite 801A Europort – Proposed datacenter for Eazitelecom**

The Commission noted the approval granted to this application by the sub-committee.

**38/12 - BA11908 - 117 Peninsular Heights – Proposed curtain glazing to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

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**39/12 - BA11909 - 128 Peninsular Heights – Proposed curtain glazing to balcony.**  
The Commission noted the approval granted to this application by the sub-committee.

**40/12 - BA11912 - 101 Peninsular Heights – Proposed curtain glazing to patio**  
The Commission noted the approval granted to this application by the sub-committee.

**41/12 - BA11913 - 216 Peninsular Heights – proposed curtain glazing to balcony.**  
The Commission noted the approval granted to this application by the sub-committee.

**42/12 - BA11915 - 42 Merlot House, Vineyards – proposed minor internal alterations.**

The Commission noted the approval granted to this application by the sub-committee.

**43/12 - BA11918 - FP402, 17/21 Cannon Lane – Proposed internal alterations to offices on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors.**

The Commission noted the approval granted to this application by the sub-committee.

**44/12 - BA11919 - Suite 743 Europort Building, Europort Road – proposed internal alterations to offices.**

The Commission noted the approval granted to this application by the sub-committee.

**45/12 - BA11921 - Apt. 1500, Block 5 Eurotowers – Proposed internal alterations to residential unit**

The Commission noted the approval granted to this application by the sub-committee.

**46/12 - BA11927 - 125 Peninsular Heights – Proposed curtain glazing to balcony.**  
The Commission noted the approval granted to this application by the sub-committee.

**47/12 - BA11935 - 136 Peninsular Heights - – Proposed curtain glazing to balcony.**  
The Commission noted the approval granted to this application by the sub-committee.

**48/12 - BA11937 - 5 Scud Hill – Internal alterations to dwelling.**

The Commission noted the approval granted to this application by the sub-committee.

**49/12 - BA11941 - Primary Care Centre, ICC - Internal alterations to GHA’s office**

The Commission noted the approval granted to this application by the sub-committee.

**50/12 - BA11943 - Apt 203, Block 1, Europlaza - Proposed glass curtain to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

**51/12 - BA11950 - Flat 6 The Sails, Queensway Quay – Proposed new bathroom.**

The Commission noted the approval granted to this application by the sub-committee.

**52/12 - BA11951 - Flat 6, 3 Serfaty’s Passage – Proposed internal alterations to residential unit**

The Commission noted the approval granted to this application by the sub-committee.

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**53/12 - BA11952 - 15 Northview Terrace – Proposed internal alterations.**

The Commission noted the approval granted to this application by the sub-committee.

**54/12 - BA11956 - 121 125 Peninsular Heights – Proposed curtain glazing to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

**55/12 - BA11958 - 124 Peninsular Heights – Proposed curtain glazing to balcony.**

The Commission noted the approval granted to this application by the sub-committee.

**56/12 – Ref - 1198/001/12-3 Convent Place – Proposed Jubilee banner**

The Commission noted the approval granted to this application by the sub-committee.

**Any other business**

**57/12 – BA11932 – O’Hara’s Battery – Request by Eazitel to install antennae.**

DCM declared an interest as Chairman of Gibtelecom and did not participate in discussions.

DTP explained that the antennae would be virtually invisible due to its location. DTP recommended that the antenna on the east side be relocated so as to be hidden from the viewing area.

KB asked whether any screening was required due the location.

DTP said that the Department of Environment had been consulted and no concern had been expressed.

JP raised the issue that these installations might at times require ancillary equipment, so there could be an element of cabling involved which might have an effect on the surrounding area.

The Chairman pointed out that the applicant was present so if the Commission approved it clarification could be sought from him.

Mr Mat Nordolf, Chief Technical Officer (Eazitelecom) was invited by the Chairman to address the Commission. He explained that there was no requirement for A/C units or servers. All that is required is an outdoor distribution box which is not very big and will not be visible as it will be camouflaged. There is cabling but no digging will be required as this would also be camouflaged. Mr Max Nordolf, further explained that the camouflage consists of paint and leaf camouflage material.

This Application was approved by the Commission including the relocation of the proposed siting of the antenna on the east side.

**58/12 - JH** referred to a letter dated 20 January 2012 addressed to the DCM and copied to all Members. Some Members confirmed that they had not received the said letter and JH undertook to circulate it again.

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JH wanted to know how it was intended to deal with various policy matters relevant to planning. Examples quoted included implementation of the Development Plan, recommendations contained in the Strategic Environmental Assessment. Green building legislation and reviewing Town Planning legislation.

A general discussion ensued and it was agreed that the matters such as these would need to be addressed by the DPC as they arose and if necessary through the use of working groups.

**59/12 – Royal Naval Hospital**

CAM wished to draw the Commissions attention to on-going works at the RNH. CAM explained that there were link bridges with arches of heritage importance which were being bricked up and would like the developer to address this without the need to brick them up.

CV offered to arrange a site visit for CAM and look into this matter.

**60/12 – Next Meeting**

It was agreed that the next DPC meetings would be held on 10<sup>th</sup> & 23<sup>rd</sup> February 2012 at 10:30 am.

MEH thanked and congratulated the Chairman for chairing this first public meeting of the DPC.