

**APPROVED**

*DPC meeting 9/12*

*23/8/12*

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 9<sup>th</sup> Meeting of 2012 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 23<sup>rd</sup> August 2012 at 09.00 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 G Matto (GM)  
*(Senior Architect)*
  
  - Mr C Viagas (CV)  
*(Heritage & Cultural Agency)*
  
  - Mr R Labrador (RL)  
*(Gibraltar Heritage Trust)*
  
  - Mr M Gil (MG)  
*(Chief Technical Officer)*
  
  - Dr K Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*
  
  - Mr T Scott (TS)  
*(Environmental Safety Group)*
  
  - Mr J Collado (JC)  
*(Land Property Services Ltd)*
  
  - Mr M Birchall (MB)  
*(Rep Commander British Forces, Gibraltar)*
- In Attendance:**
- Mr P Naughton-Rumbo (Executive Officer) (DTP)  
*(Deputy Town Planner)*
  - Mr E Francis  
*(Minute Secretary)*
- Apologies:**
- Mrs C Montado (CM)  
*(Gibraltar Heritage Trust)*
  - Mrs J Howitt (JH)  
*(Environmental Safety Group)*

**Approval of Minutes**

**452/12 - Approval of the Minutes of the 8<sup>th</sup> Meeting held on the 26<sup>th</sup> July 2012.**

The Commission approved the Minutes of the 8<sup>th</sup> Meeting held on the 26<sup>th</sup> July 2012 subject to the following amendments:-

***Minute 395/12 – Page 5 Paragraph 6***

***Remove Paragraph 6 and replace with:-***

*GM and JC were in favour of demolition. JC suggested that there are already modern buildings on either side of the property and that this would be a good opportunity to allow commercial development in this space without significantly diminishing the historical nature and appearance of the more general area. CM disagreed with them saying that the existing building is structurally sound and its future should not be conditioned by the adjacent buildings.*

***Minute 409/12 Page 11-(Replace sentence in red with sentence in bold)***

***“409/12 – BA12143 – 17-25 Governor’s Parade – Proposed demolition of roof.***

*DTP informed the Commission that this application was approved via round robin. A condition in the permit is that a temporary roof has been approved as the current one is in danger of collapsing, but a proper roof should eventually be provided.”*

***A condition in the permit is that a temporary roof has been approved as the current one is in danger of collapsing, but a similar roof to the current roof should eventually be provided.***

**Presentation**

**453/12 - BA12161 – Junction between Winston Churchill Avenue & , Glacis Road – Proposed installation of telecommunication cabinet.**

DCM declared an interest as Chairman of Gibtelecom.

The Commission welcomed Mr A Moreno (AM) from Gibtelecom and invited him to address the Commission.

AM explained that Gibtelecom’s intention is to increase its Broadband speed. This would be carried out in three phases over the next 2.5 years. He highlighted that the current network would be utilized as much as possible however there was a need to install 5 installation cabinets in several locations in the 1<sup>st</sup> phase of the project. These are at: Laguna Estate, Gardiner’s Road, Castle Road, Varyl Begg Estate and on the site of the current application. He added that the 2<sup>nd</sup> phase would require the installation of cabinets in 25 locations. Although he explained that these would be replacing existing cabinets.

The Chairman pointed out that the cabinets to be located at Gardiner’s Road, Castle Road and Varyl Begg Estate are not in the agenda as feedback from the relevant departments has as yet not

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

been received. He reminded the members that at its last meeting the Commission had asked whether the cabinets could be located underground.

AM explained that this was not possible as the electronic equipment had to be located in a clean and well ventilated environment. He added that the underground dampness would not be suitable for the equipment and can be damaged by flooding.

JC said that there could be engineering solutions which would solve these problems.

AM agreed with him but added that the solution would probably involve the building of a bunker type structure which would then require more cooling and all this would increase the cost of the project tremendously.

JC asked whether the cabinets were required to be constructed of aluminum or could other materials be used so that they could fit-in with the surrounding structures in the area.

AM said that whilst it might be difficult in some of these five areas it could be looked at for the other 25 locations.

MEH asked whether information boards could be added onto the cabinets in order to disguise them.

CV said that what the DPC did not want is 'fridge type' structures being erected all around Gibraltar. He said that trying to disguise the cabinet would solve this problem. He suggested looking at each location individually.

The Chairman asked AM if the cabinet at this Glacis location could be relocated to another site.

AM said that this was possible prior to it being installed as once it is installed it would be very difficult for the cabinet to be removed and used elsewhere.

There being no more questions the Chairman thanked AM.

**454/12 - BA12144 - 4A South Barrack Road – Proposed change of use to stores.**

The Commission welcomed Mr P Montegriffo (PM) on behalf of the Matilde Francis Building Tenants Association and invited him to address the Commission.

PM read out a statement in which he highlighted that the tenants of the Matilde Francis Building were unanimous in their objection to the proposed creation of storage spaces at 4A South Barrack Road. PM explained that the tenants committee felt that such an endeavour would not serve the interests of the occupiers of this building who are in desperate need of parking facilities. PM added that the Committee and tenants felt that the legitimate role and character of the premises should be that of a garage and that the premises should be used to serve their needs.

There being no questions the Chairman thanked PM.

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

**Matters Arising**

**455/12 - BA10717 - 57 Devil's Tower Road – Proposed customer car park, service yard, workshop and service reception buildings.**

DTP explained that this application had been considered at the last DPC where the Commission had expressed its concerns in respect of the proposed new reception area. DTP said that this had now been revised and would now be located behind the boundary wall and would be clad the same as the existing adjacent building.

MG pointed out that access from this site onto Devil's Tower Road had been granted on a temporary basis. He highlighted that the Commission had always preferred access through the rear exit along Garrod Road and not onto Devil's Tower Road.

MG said that as a result of the dual carriageway and the resulting new traffic scheme, if the applicant intended to permanently retain access onto Devil's Tower Road he would have to object to this application.

JC said that the changes to the scheme are minimal and there is no continuity with the adjacent building.

DTP pointed out that the adjacent building was not in the same plane but rather set back behind a boundary fence and planting which would reduce the visual impact of the new building.

DCM said that the point raised by MG in respect of the access onto Devil's Tower road was very important. He stated that if it had been granted on a temporary basis, it could not now be made permanent.

The Chairman suggested that the applicant be advised of this and requested to redesign his proposal accordingly .

The Commission agreed to this and deferred its decision.

**456/12 - BA12051 - 3 Scud Hill – Proposed change of use offices /store into nursery.**

DTP explained that this item had been considered previously by the Commission who had expressed concerns as a result of the loss of parking. The scheme has now been revised to address these concerns and has no objections from the Highways department but would need to be presented to the Traffic Commission again

MEH pointed out that as this application was a change of use the applicant would require an energy performance certificate.

The Commission approved this application subject to the Traffic Commission confirming the view of the Highways Department.

**457/12 - BA12134 - 20 Flat Bastion Road – Proposed extension and alterations to dwelling.**

DTP said that the applicant had now submitted the visuals requested by the Commission. DTP explained that the Commission had expressed its concerns in respect of the clearance of the

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

carport along the adjacent passageway. Technical Services had reviewed this and had informed the applicant that a minimum clearance of 2.1m was required. The applicant's agent had stated that minor changes to the car port slab could be achieved to meet the requirements for clearance..

MG said that this proposal was a welcomed improvement.

The Commission approved this application. It also conditioned that timber windows/shutters be used.

**458/12 - BA12147 - Morrison's Supermarket – Proposed enclosure for use as garden centre**

This application was carried forward pending the submission of further information

**459/12 - BA12161 - Junction between Winston Churchill Avenue & Glacis Road – Proposed installation of telecommunication cabinet.**

MEH expressed his concern on the appearance of the cabinet and felt that this could be improved in order for it to fit in with the surrounding area. MEH suggested that Gibtelecom liaise the Town Planners or GM in order to address this issue.

The Commission agreed and this application was carried forward.

**Major Developments**

**460/12 - BA12210 Outline - North Gorge, Europa Road Proposed residential development**

DTP stated that this was a HMGOG project which was being laid before the DPC for guidance. DTP described the project as Eco housing comprising 7 blocks of between 5 & 7 storeys. DTP said that although a full survey was still required, the scheme did not, from the submission, appear to have a significant visual impact. He added that from a planning point of view this scheme was welcome.

KB enquired as to what would happen to the cliffs as they contain interesting ecological features.

MEH said that any required works would have to be taken into consideration.

The Chairman asked what would happen to the cold store located below part of the site and whether the two chimney stacks could be included as part of the landscape. He also added that there was a Dragon tree which should be avoided.

KB pointed out that there are 10 caves in this area, some of which are listed.

MG said that HMGOG was aware of this and would work with Heritage and relevant entities.

RL said that this was a beautiful area and felt that the construction of town houses rather than blocks would best suit this area.

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

The Chairman suggested that the proposed scheme should be conditioned to allow public access throughout the estate so that the public may enjoy its potentials. The Commission agreed with this view.

CV said that the proposed scheme presented a valid improvement to the area. He asked that should there be any heritage loss this should be recorded.

JC pointed out that there was no on-street parking in this area therefore the scheme should cater for at least two parking spaces per flat.

All recommendations were to be forwarded to the Government for their consideration.

**461/12 - BA12212 – Outline - Grandy Close, Europa – Proposed residential development of 35 apartments**

DTP stated that this was a HMGOG project which was being laid before the DPC for guidance. DTP described the project as Eco housing comprising 3 blocks with a maximum height of 5 storeys. DTP pointed out that the area is generally a low rise area with the maximum building height being 3 storeys. He suggested that in order for it to be more in-keeping with the scale of existing buildings HMGOG should consider a maximum of 4 storeys.

The Chairman informed the Commission that members of the public had already expressed their objections to this development. He could not release the contents of their e-mail/ letters because they had only been received that same morning and he had not yet considered them nor had the time to circulate prior to the meeting but would forward them to the members after the meeting.

MEH added that leaflets against this application were being handed out prior to entering today's meeting. He wished the record to show the comments contained in the leaflet which opposed the development on the grounds of it being too tall for the surrounding area, the loss of the only open space in the area, their claim that it contravenes the Development Plan in terms of height and density and loss of views from the public highway.

RL suggested that the development of this area could consist of town houses similar to those of Europa Mews.

The Chairman suggested that HMGOG prepare a model or provide visuals of the scheme from Europa Road in order to gauge the visual impact.

JC stated that Gibraltar was running out of land to develop and in order to meet its requirements the only way was to consider building up.

The Chairman did not agree with this but remarked that he felt that land was not being used wisely. He stated that the two Town Planners present today had in the past not been consulted.

**Other Developments**

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

**462/12 - BA12141 – International Police Assoc. Club, North Pavilion Road – Proposed internal and external alterations.**

DTP explained that this application consisted of internal alterations and the enclosure of the external area with a glass conservatory.

MEH said that this would require an energy performance certificate.

JC was concerned with the use of land by just one association considering the shortage of land. He would welcome the possibility of sharing with other clubs.

The Chairman explained that the allocation of premises to one or more entities is not a matter for the Commission but the merits or not of the proposed kitchen extension and conservatory.

MG highlighted the fact that there are structural problems as a result of ground movements and the architects should take this into account.

Dissatisfied with the design for the proposed kitchen extension the application was carried forward pending submission of better architectural drawings. The Commission did not consider that the details submitted provided sufficient information on the proposed character and appearance of the new development.

**463/12 - BA12144 - 4A South Barrack Road – Proposed change of use to stores.**

DTP explained that the application is for the conversion of the premises into self-contained storage units. As had been presented to the Commission he added that representations had been made by the tenants of the building who felt that the premises should be used as parking.

MEH said that the Commission could not force the owner to convert the premises into a garage.

The Chairman concurred with MEH and added that the Commission should only refuse this scheme if it had appropriate grounds for refusal and should not be construed as meaning that it can only be alternatively used as a garage. He said that the application did not differentiate between commercial or domestic storage that may in the case of commercial storage generate increase the volume of traffic in the area and lead to loading and loading bays along the public highway aggravating the parking shortage along South Barrack Road

DTP referred members to the fact that the premises had been used for various purposes in the past, the most recent being for use as a garage workshop. He also explained that the proposal appeared to allow for vehicular access into the premises avoiding external loading bays. DTP had understood that the proposal was for ‘self-storage’ and not commercial storage. The DPC could impose a condition limiting the use to self-storage if it was concerned with commercial vehicles unloading/loading from the street.

MG asked whether it was possible to look up the original building application in order to ascertain what had been the premises original intended use. He added that the policy of the DPC had always been to promote on-site parking, if this had been a new building this would have been a DPC condition.

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

DCM sympathised with the tenants and would encourage on-site parking.

The Chairman suggested inviting the applicant to make a presentation at the next meeting and clarify the proposed storage.

This application was carried forward and the applicant would be invited to address the Commission at its next meeting.

**464/12 - BA12159 - 3a Gowland's Ramp – Proposed internal alterations.**

DTP explained that this type application was normally considered by the sub-committee however in this case objections had been received mainly of a building control nature. DTP referred Members to the letter of objection from the adjoining neighbour that had been circulated with the agenda.

The Commission considered and approved this application but although it respected these objections did not consider them to be planning considerations to refuse the application but instead matters of building control concern.

**465/12 - BA12165 - 1 Castle Steps – Proposed swimming pool to rear patio**

The Commission approved this application. No objections under section 19 had been received.

**466/12 - BA12171 - St Martin's School – Proposed extension - GoG Project**

DTP said that the proposed extension would result in the loss of a tree.

KB explained that the tree was an Algerian oak. He mentioned that whilst on a site visit he had asked whether it was possible to redesign the scheme in order to protect the tree.

MEH said that he had been informed that this was not possible and that the tree would be relocated to the Alameda Gardens.

KB said that he would be happy to have the tree at the gardens as a last resort.

DTP said that there was an aviary that would also need to be relocated to the upper part of the site.

MEH said that he would like to view the design as this would be located at street level and in the public view.

**467/12 - BA12180 - 44 Cornwall's Lane – Proposed expansion of cafeteria/restaurant, alterations to façade, new pavement and awning.**

The Commission expressed its concern at the proposed pavement extension and the changes to the traditional frontage.

MG said that he would call it a terrace rather than a pavement extension and felt that it would narrow the available pedestrian area.



**APPROVED**  
*DPC meeting 9/12*  
23/8/12

DTP stated that Highways department had no objections other than clarification as to whether it would remain as public highway.

RL said that he would not like to see the widening of the entrance into arches.

CV added that there seemed to be no need to widen the arches.

Mr Bryan Zammitt, (BZ) the applicant, who was present was allowed to address the Commission.

BZ said that they had opted for the terrace as the previous owner who had a license to use said area for tables and chairs had always encountered problems with this being used for the parking of delivery lorries in the area. He also explained that the purpose of widening the arches was to increase natural light into the establishment that was being deepened into an internal annex.

BZ was thanked for this information.

The Commission took a vote on the widening of the arches.

4 votes in favour

5 votes against

The Commission did not approve the widening of the arches.

The Commission approved the proposed pavement extension.

**468/12 - BA12182 - 7A Clifftop House, Windmill Hill Road – Proposed beautification of roof garden and construction of glass solarium**

DTP explained that there was concern in respect of the proposed increase to the height of the building.

DCM objected to the increase in height but would welcome the green roof.

KB also objected to the proposed increase in height due to the structure and trees, he added that a green roof did not necessarily mean trees.

The Commission rejected this application on the grounds that the applicant had to comply with a pending condition to create a green roof on the terrace and that there ought not to be any more structures and trees aggravating the loss of panoramic views from the very important tourist location at Jews Gate..

**469/12 - BA12185 - CP1236A, 63 Europa Road – proposed construction of 12 parking spaces within garden existing garden.**

This application was carried forward on the request of the applicant.

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

**470/12 - BA-12194-La Rotunda, Units 16B & 16C, 4-16 Winston Churchill Avenue,- Proposed internal works to retail units, new entrance door to unit 16B and use of first floor for associated storage.**

The Chairman requested clarification on whether there was conflict of decision with a previous permit that permitted the enclosure of the rear yard as part of the main supermarket application. The Town Planner pointed out that although there was no intention to enclose this rear yard in this application and the access to the upper floor would be via internal staircases for each unit, he would clarify this issue.

The Commission approved this application subject to such clarification.

**471/12 – BA12195 - 9/1 South Barrack Road – Proposed new stair entrance & boundary wall to patio.**

The Commission approved this application subject to the wall being painted to match the existing house.

**472/12 - BA12196 - Former RAF Headquarters, Winston Churchill Avenue – Proposed refurbishment and alterations for use by Border & Coastguard Agency HQ.**

The Commission raised no objections.

**473/12 - BA12211 - No 6 Convent Place – Proposed extension to offices.**

DTP explained that this was a HMGOG project which was being tabled for guidance.

JC highlighted that an issue could arise with the adjacent residential property which overlooked the proposed development area.

MG said that HMGOG were aware of this but had as yet not discussed it with the tenant of this property.

MEH would prefer it if the building were to blend in more with its surrounding.

CV agreed with MEH and said that a more humble approach was required.

The Commission's views would be passed on to HMGOG.

**474/12 - BA12213 - Arengo's Palace – Proposed alterations to dwelling.**

The Commission approved this application subject to the uniformity of the fenestration.

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

**475/12 – Ref 1195 - King George V Hospital, South Barrack Road – Request to remove three eucalyptus trees**

MEH declared an interest as he had taken part in the tree assessment.

The Commission approved this application.

**APPROVED**

*DPC meeting 9/12*

23/8/12

**476/12 - Ref1195 - 21 South Barrack Road – Request to remove rubber tree.**

The Commission approved the removal of the tree subject to the planting of two trees. MEH requested that the applicant be conditioned to maintaining the trees.

**478/12 - BA12064 - 133 Main Street – Proposed security shutters along Bell Lane.**

The Commission rejected this application on the basis that the shutters would detract from the appearance of the frontage and paid no respect to the arched windows. The shutter to the Main Street frontage must meet the DPC policy on the proportion of the shutter that was ‘open’.

**479/12 - BA12178 - 107 King’s Wharf, Queensway – Proposed additional privacy screen.**

The Commission approved this application. The Commission agreed that any similar requests should be dealt with by the sub-committee.

**480/12 - BA12179 - CP1104A 4 Woodford Cottage, Europa Road – proposed car port.**

The Commission approved this application.

**481/12 - BA12181 - La Rotunda, 4-16 Winston Churchill Avenue – Proposed construction of public WC under existing roof overhang.**

The Commission approved this application.

**482/12 - BA12187 - Ex-Mother Goose Nursery, Reclamation Road – proposed demolition of external wall and internal alterations and use as site office.**

The Commission approved this application.

**483/12 - BA12191 - 299B Main Street - Application for change of use A2 to A1, internal alterations and signage.**

The Commission approved this application.

**484/12 - BA12192 - 1 St Christopher Court, 27 Europa Flats – Proposed internal alterations and extension of boundary wall.**

The Commission approved this application.

**Applications granted permission by sub-committee under delegated powers**

**485/12 - Ref1198/019/012 - 7 Chatham Counterguard – Proposed sign**

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

**486/12 - BA12170 - Units 71 & 72, New Harbours – Proposed internal alterations.**

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

**487/12 - BA12184 - 3 Blackwood Tower, Brympton – Proposed internal alterations**

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

**APPROVED**  
*DPC meeting 9/12*  
23/8/12

**Any Other Business**

**488/12 – Ref 1195 Gardiner’s Road - Pine Tree**

The Commission approved the removal of this tree.

**489/12 – Satellite Dishes & Antennae – Future Strategy**

MEH informed the Commission that Eazitel had already submitted details of it’s future strategy.

**490/12 – Next Meeting**

The Commission agreed to next meet on the 19<sup>th</sup> September 2012 at 09.30 am.