

Approved

DPC meeting

25/04/19

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 5th Meeting of 2019 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on the 25th April 2019 at 9:30 am.

PRESENT:

Mr Paul Origo (Chairman)
(Town Planner)

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

The Hon Dr J Cortes (MEHEC)
(Minister for Education, Heritage, Environment & Climate Change)

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr Alfred Brittenden (AB)
(Land Property Services)

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

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety Group)

Mr V O'Reily (VO)
(Rep Commander British Forces, Gibraltar)

In Attendance:

Mr Paul Naughton-Rumbo (DTP)
(Deputy Town Planner)

Mr D Francis
(Minutes Secretary)

Apologies:

Mr K De Los Santos (KDS)
(Land Property Services)

Mr M Cooper (MC)
(Rep Commander British Forces)

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200/19 Approval of Minutes

The Commission approved the Minutes of the 3rd Meeting held on the 26th February 2019 subject to correcting Mr Emil Hermida's title from Chief Technical Officer to Chief Executive. . The minutes of the 4th meeting held on 26 March 2019 were not ready and so their approval was deferred.

Matters Arising:

201/19 - F/15833/18 – 3/1 Rosia Steps – Proposed redevelopment of residential areas, extension and installation of a new lift to residence.

DTP stated that the application was previously deferred because of concerns about encroaching windows on the North Elevation, architectural treatment particularly on the South Elevations that was considered bland and also concerns about additional windows on the East Elevation that would be overlooking the adjacent property.

DTP said that revised plans had been submitted and at ground and first floor levels, there were no changes to report; on the second floor, the encroaching window that was previously on the North Elevation has been omitted and the window on the East Elevation has been reduced in height and is also a tiltable window with an opaque finish. On the West Elevation they have introduced the Juliette balcony and they have replaced the glazed balustrades with more traditional ones.

DTP said that they have also introduced decorative quoin features as part of the proposal and floor bands and they have changed the flat roof extension to a mono-pitch roof.

DTP reminded the Commission about the previous objections. DTP said the objection from the occupier of the property to the North has been satisfied. The owner of the property to the East is still objecting by maintaining their previous objection. DTP said the objection relates to a Building Control matter in terms of ventilation of the bathroom window and that the existence of other encroaching windows should not mean further encroachments should be allowed.

DTP concluded that the revised proposal was more in keeping now in terms of fenestration, shutters, architectural features and the introduction of a pitched roof. The omission of the North window had addressed one objection. The existing windows to the east were to be replaced with frosted units and the proposed new window had been reduced in size, to be frosted and a tilt-type window. The windows faced over a garden area and it was considered that there would not be an unacceptable loss of privacy.

The application was recommended for approval with specific conditions on details of the green roof and solar panels.

JH ask if the ventilations issues could pose a problem to the design.

DTP said that Building Control would most likely ask for mechanical ventilation but building control would not necessarily say that you could not have the window.

The Chairman asks if there are any further comments.

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Application was unanimously approved.

Major Developments:

None

Other Developments:

202/19 - F/15647/18 – 15/19 South Barrack Road – Proposed works to terrace areas.

DTP reported the outcome of the appeal on the timber structure in the back garden of the property. There was an elevated timber structure originally designed as a gazebo structure which had a little platform on the top of it. DTP also said that there were objections from residents of the property to the rear. DTP stated that the Commission refused the application on the technicality that the information submitted was misleading. An appeal was lodged and under advice from the Commission's legal advisors an agreement was reached for the decked area to be retained but modified so that a pitched roof was incorporated, screening added to the North and East and the stairs to be relocated to within the structure. The Tribunal upheld the appeal on the basis of the agreement.

DTP stated that a planning permit would be issued as soon as revised plans reflecting the agreement were submitted.

203/19 - F/15966/18 – 9 Benzimra's Alley – Proposed refurbishment of commercial premises and conversion into a fast food outlet.

DTP reported that this application had been withdrawn the day before the DPC meeting.

204/19 - F/16031/19 – 7 Lime Kiln Road – Proposed extension and conversion works to residence.

DTP explained how this is a two-storey building at present, with the main building having a pitched roof and a small mono-pitched roof at the rear of the property, and also has a south facing terrace. He reported that the proposal is to remove the pitched roofs to build an additional storey and a further part storey on the southeast part of the property. There would be a pitched roof over the main building and a flat roof over the stair core.

DTP circulated revised drawings to the Commission that corrected an issue with the heights of the two buildings. DTP reported that adjacent buildings have also had extensions to their roof areas but these were limited to the rear part with terraces to the front.

DTP reported that the Department of the Environment requires a Swift and Bat survey and incorporation of nests into this scheme.

DTP confirmed that the Town Planning Department welcomes the refurbishment of the building as it has been redesigned with the fenestration and inclusion of shutters and reflects the character of the buildings in the area. DTP said that in terms of visual impact, this should not be significant and that overall it is considered a sympathetic development that is not out of character with the existing buildings.

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An issue had arisen in relation to the neighbour's chimney and the applicant would need to extend this above the new roof level subject to the owners' agreement.

DTP recommended approval of the application subject to resolution of the chimney issue, further details on the windows and shutters to be submitted, and that the existing street name plaque is reinstated.

JH said it was a very narrow access and how will it affect the 'precious' parking spaces for people in the area and just wondering how it's going to figure with the construction materials and vehicles taking up the area.

Chairman said they can use a tunnel scaffolding system that allows traffic to flow underneath and the parking bays in question are only permitted to be used by motorcycles. He also said the development is welcomed as the property has been vacant for a while and its part of the urban renewal that we would need to encourage other for a revival of the upper town.

JH asks if the property is a family occupation.

Chairman responded by confirming that the property was previously used as family occupation and will continue to do so thus eliminating the need for further parking.

MEHEC said that he welcomed the fact that they have kept pitched roofs and it is quite likely that there are swifts nesting there. The developers should have the Swift survey done prior to the application. He added that if they do it now and there are Swifts there, they cannot work on the roofs until the Swifts are safely in Africa. He insisted that as the property has pitched roofs, they should design it in a way that Swifts can nest inside the roofs and not require boxes outside. MEHEC said it should be a condition and should that the final roof design needed to be approved by the Department of the Environment.

KB agreed with the Minister's comments and added that it is important to note that is an area where there is a high density of nesting Common Swifts and they seem not to like the artificial nests as much as the Pallid Swifts so it is particularly important that the nests be incorporated in the design.

MEHEC and KB reiterate the fact that the swift survey should be part of standard guidelines and should be handed in as part of the Application.

Chairman said that the established architects are aware of the need of Swift surveys and could have provided this earlier in order to speed up the process.

JH asks whether these are returning Swifts to established nests or do we attract new ones.

MEHEC said they don't know whether they are returning or new but they should integrate the design whether there are swifts or not. He adds that it's only a question of whether they are there or not in order to start the works.

The Application was unanimously approved subject to the above-mentioned conditions.

205/19 - F/16032/19 – 52/58 Flat Bastion Road & 3/5 & 9/11 Bado's Passage – Proposed extensions and re-development of residential scheme and ancillary areas.

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DTP said that this application follows an Outline application previously considered and approved by the Commission. The site fronts onto Flat Bastion Road on the East side and Bado's Passage and Morrello's Ramp on the West side and there are buildings on the North and South of the site. DTP said the full application follows the Outline scheme in terms of the scale of the mass and height. Following the comments on the Outline application by the Commission, a glass lift has been incorporated. DTP reported that there have also been some small changes to balconies and some further balconies introduced on the higher levels.

GM asked if the Tree is being retained.

DTP confirmed that the applicant has liaised with the Department of The Environment about retaining as many as they can and also on the landscaping plans that they had.

DTP stated that there was also the incorporation of a plunge pool and there has also been a change in the perimeter boundary to Flat Bastion road so they have now introduced a parapet wall with planters on Flat Bastion road. DTP added that the Bat and Swift survey had yet to be undertaken but they will be before any works start and also the need to finalise the location of nests with the Department of The Environment.

DTP reported that the Department of The Environment required an ecological survey, the Bat and Swift survey and the location of the nests before works commence. The Ministry of Heritage requires an archaeological watching brief for and ground work and also photographic record to be taken. DTP reported that the Technical Services Department's would need to be satisfied with the stability of retaining walls. He also said the Traffic Commission had no objections subject to the technical details of sight lines being achieved and the Ministry for Infrastructure and Planning require that the parking is communal due to the fact that there is one space less than the number of apartments. This will ensure a more flexible use of the car park.

DTP recommended approval of the scheme subject to a number of conditions. There should be a restriction on any future development on the car park deck, the parking to be communal, the Bat and Swift issues, photographic record to be taken; an archaeological watching brief would be required along with the standard conditions.

GM asked if we can restrict potential future development on the roof deck. DTP responded by stating that what can be done is to have a condition stating that no further structures can be omitted but it does not prevent a person in the future from submitting an application.

Chairman said if the applicant feels aggrieved by the condition, they can appeal against it.

DTP stated that when the tender for this property was released, there was a condition that there should be open views from Flat Bastion road level across the site, which is the reason why we would want to protect that as much as possible.

JH asked if from that side it can be controlled and can it be refused. DTP said that it would be up to the Commission of the day to determine. He said that the Commission would look back at the history of the site and can see that this was the intention of the previous Commission.

A discussion ensued about the possible use of glazed panels on the East elevation and on whether the angle of the stairs was too wide.

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At this point Mr Stephen Martinez (SM), representing the applicant asked if he may address the Commission.

SM said they were asked to introduce the lift by the Commission. The stair core previously was not visible from Flat bastion Road but that an extra metre was required so that the disabled ramp could be introduced in the parking bay so they had to raise everything to marry and that is why the roof can be seen.

The Commission accepted the comments by SM and the application was unanimously approved subject to the recommended conditions.

206/19 - F/16035/19 - 1 Ashbourne Ramp Buena Vista Estate - Proposed basement conversion, first floor extension, and other internal and external alterations.

DTP reported this is a proposal for various works consisting of the creation of a basement which also extends under the garage, first floor extension and various internal and external alterations. He also said that on the ground floor there will be internal and external alterations with the revision of a swimming pool and there is also a side extension over the existing garage. DTP said that there will be changes to the fenestration at ground and first floor levels and changes to the balcony including a glazed balustrade instead of the timber one. DTP added that these types of works have been previously permitted on similar properties around the estate.

DTP added that the proposed side extension over the existing garage has not previously been proposed elsewhere within the estate.

DTP stated that there were no comments from the departments other than the Department of the Environment requesting the Bat and Swifts survey and provision of nests in any future scheme.

DTP reported that Town Planning had no objections to the creation of the basement however, they did note the proximity of an existing tree to the side of the garage and would have to be satisfied on the methodology of how they are going to excavate underneath the garage without affecting the tree. He also said they had no objection to the changes of fenestration, internal alterations, pool and works to the garden.

DTP stated that the Town Planning had an objection to the side extension. The estate had a very distinctive architectural character and form with houses set out in a staggered form, well-proportioned and having a stepped appearance. The side extension is not considered to respect this character, would be out of proportion being tall and narrow and would destroy the staggered appearance of the terrace of houses.

DTP recommended approving all elements of the scheme except the side extension and that the applicant be invited to omit the side extension from the application in order to be able to issue a permit on the remaining works. The permit would be subject to conditions including the methodology of excavation to ensure protection of the tree.

MEHEC asked where the pool was to be located and what is it used for now. DTP responded that at the moment it was part of the patio area and it was fenced off. KB also asked where the trees were in relation to the pool. DTP confirmed that there were two existing trees in the patio area but there were not where the pool was to be built.

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JH stated that the tree in question relating to the side extension should be shown in the drawings.

Chairman pointed out that in order to build the extension, a part of the tree would have to be shaved or removed. KB confirmed that it would definitely affect its form.

AB was concerned about the asbestos lined flooring in the basement which would have to be safely removed. Chairman confirmed that this will be an Environmental Agency and Building Control condition. JH said that a survey should be done before the excavation on the basement and Chairman confirmed that they would have to conduct an exploratory structural survey beforehand to scrutinise that no roots of any trees will be affected.

HM asked if a permit can be issued only on parts of the scheme and Chairman confirmed that a permit will not be issued until revised drawings are submitted and approved.

The application was unanimously approved with the exception of the side extension.

207/19 - F/16038/19 – 6 & 8/1 Turnbull's Lane – Proposed change of use from tattoo parlour to catering company and associated internal alterations.

DTP said this property was formerly a tattoo parlour and the applicant has applied for a change of use to a catering facility. He explained that this catering facility will not be used as a retail unit but rather a catering facility that prepares food for other businesses. He said the internal alterations were limited and were basically to fit out the unit for the new use and there are no objections to that element. He also added that the only external alteration was the installation of an extractor grill on the façade of the building.

DTP explained that Turnbull's Lane is defined in the development plan as a secondary shopping street where the planning policy is against the loss of retail uses to non-retail. He also said this policy has been applied fairly strictly and the main reason is to concentrate retail uses in the primary and secondary shopping streets. He added that they want to make sure that the shopping centre of the old town maintains its viability and vitality.

DTP commented that the proposed use is not compatible with this specific site, would not attract footfall to the area and would not contribute to the vitality and viability of the area as a shopping area contrary to the policy. This type of use would be better located in a more industrial. The application was recommended for refusal.

The application was refused unanimously.

208/19 - F/16060/19 – 8 Europa Mews Europa Road – Proposed conversion of garage to habitable space (including bathroom) and removal of garage door to be replaced with wall and window.

DTP reported that this application is for the proposed conversion of an integral garage to a habitable space.

The proposal is to convert into a room and bathroom. The garage door will be replaced by a solid wall and a window. He also reported the applicant has submitted a justification that was circulated to members and is related to the health condition of a child.

DTP said they have also stated that there is room in front of the garage to park the car and also points out this happens throughout the estate in any event. DTP noted that a similar

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conversion was allowed in 2015 in the same estate that had been permitted on the grounds of disability issues relating to the resident.

DTP stated that there were no objections from the consultees; the only comment from the Technical Services Department was to request confirmation that the loss of the garage does not contravene the original permission. DTP confirmed that there was no condition on the original permission that prevents it but the garage was part of the original design concept.

DTP explained that planning applications are considered objectively and it would not be an ideal situation to have vehicles parking on the street and not within the garage as the space is limited and cars tend to overhang of the forecourt due to the limited space. He also added that even though they sympathise with the circumstances of the applicant, planning decisions must be based on objective criteria. He said that the planning department has seen a few applications like this recently and it raises concerns that there is an increase in people wanting to change the garage into a habitable space with the obvious consequence of forcing vehicles onto the road.

DTP said that from a planning perspective, they cannot support the application because of the loss of the garage. He added that if the Commission feels that the particular circumstances outweigh the objection, permission can be granted but recommends that it is made clear that it has been granted based on the special circumstances presented in this case.

DCM said that his view is that this is one of those cases where they have to make an exception. He said there is already a precedent for this type of conversion in that particular estate and they must also take into consideration that the road in question is not a major highway, there is no access to anywhere else and it is only for residents of the estate to park there. DCM added that the conversion has no visual impact whatsoever and he believes that an exception must be made given the circumstances and believes the Commission should approve the application.

The application was unanimously approved.

209/19 - F/16065/19 – 33/9 Naval Hospital Road – Proposed conversion of the existing loft space into bedrooms and playroom and replacement of the existing mono-pitch roof with a new raised height pitched roof.

DTP explained that this is a proposed conversion of an existing loft space into bedrooms and playroom and the replacement of the existing mono-pitched roof with a new raised double pitched roof on the top of the extension. He said that what they are proposing to do is to raise the height of the rear part of the building and build an extension over one of the front bedroom which will create an entirely new level. He also said that there would be additional windows provided on the new level on the east side, one on the terrace area on the west and one to the void which exists on the south.

DTP said that there were no objections from the consultees other than the Department of the Environment that requires the Bat and Swift survey and the introduction of nests. He stated that the application was subject to public participation and no objections had been received.

DTP reported that whilst the proposal did little for the architectural quality of the original building, its position set back from the front facade as it is and the limited increase in height meant that there would be little visual impact. The main view of the site is from the North where the impact would be diminished by the existence of other rooftop extensions on

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adjacent properties. DTP recommended approval of the application, subject to standard conditions.

The application was unanimously approved.

210/19 - F/16071/19 - La Mamela 1-3 Sir Herbert Miles Road - Proposed minor external alteration works to balcony/terrace areas.

DTP reported that the proposal is for internal and external alterations mainly to the balcony and terrace areas. It has two east facing terraces one on the ground floor level and one on the first floor level. He said on the ground floor level the proposal is to remove the existing French windows that lead to the open terrace and to enclose the majority of the terrace with glass curtains. The roof is proposed to be a mono pitch roof of sandwich panels in an imitation tile. DTP added that on the first floor level, the proposal is also to enclose the terrace with glass curtains and again use the sandwich panel roof.

DTP reported that the Commission had previously granted permission in 2009 to enclose the first floor terrace but the permission was never implemented.

DTP reported that the applicant had revised the design on advice of the Town Planning department and that there was no in principle objection. However, there were some concerns with the use of imitation roof tiles and that this aspect should be subject to further discussion and approval.

DTP recommended approval of the scheme subject to conditions to reserve approval of the roof materials. They must also provide the Bat and Swift survey and the incorporation of nests. He also stated that the columns on the first floor are located outside of the balustrade and they suggest relocating them inside mainly to reduce the visual impact. DTP reminded the Commission that on the previous permit there had been a condition to relocate two unsightly chimney flues facing Sir Herbert Miles road and recommended that this should be included as a condition.

JH asked about the landscaping underneath the ground floor terrace and whether it was being implemented by the applicant and adjacent properties.

Chairman confirmed that this has been conditioned on the adjacent properties. He added that he would check the progress and report back to JH.

The application was unanimously approved.

211/19 - F/16078/19 - 2 Pelham House Buena Vista Estate - Retrospective application for the extension of bathroom/living room and conversion of garages into habitable space.

DTP reported that this is a retrospective application for a conversion of a garage into a habitable space. He said that this building is an ex-mod building which was handed over to HM GOG. He also said the works included internal alterations most of which are related to the garage level but there are some minor alterations on the upper level as well. DTP added that the applicant had submitted an alternative scheme just in case the original was refused. At this point DTP asked the applicant to address the Commission as he had indicated a desire to do so.

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The Chairman welcomed the applicant, Isabella Valarino (IV) and asked her to address the Commission.

IV said that firstly she would like to apologize for the fact that the works had been undertaken without permission. She said the reason for carrying out the works was the family was expanding and they now had four children so they needed extra space. She explained how the works were carried out to meet her family's needs and that they kept the garage door as it was used as a part store. She further added that outside the garage there are parking spaces that are currently being used by her neighbours and herself. Chairman asked if there was a garage allocated per household and the applicant confirmed this was the case.

JH asked if by parking outside the garage it would impede pedestrians from using the pavement. IV confirmed that there is more than enough space available and it would not affect the walkway.

The Chairman thanked IV.

DTP said there were no comments to record for the consultees and that in terms of the alterations to the upper level, there were no objections from Town Planning. He also said that the Town Planning has increasing concerns about the general loss of garages to habitable space throughout Gibraltar. This development had off-street parking below the building and that the Commission had permitted the addition of garage doors to secure the spaces.

DTP noted that the applicants claim that they did not use the garage and that there was space for two cars in front. The Commission cannot control residents' behaviour but decisions need to be taken for the long-term and not on the individual needs of owners as owners do change over time. If the garage is lost then the only option is to park on-street. There is also a risk that if permitted in this case it would set a precedent for future applications to come forward for similar proposals throughout the estate. The loss of garage spaces is not good planning and not something that the department wants to encourage

DTP said that the Town Planning regulations require a parking space per household and the alternative scheme, retaining one parking space within the garage, presented by the applicant was a reasonable compromise. DTP recommended approval of the alternative proposal and also recommend that a time limit be imposed for the works to be carried out as this is a retrospective application and it would be necessary to ensure that the works are actually carried out.

CV said he was not too fussed about the fact that they have converted the garage into a liveable space as most people already tend to park the cars outside. He added that although the parking regulation is being imposed, it might not be fulfilling its function. He added that the estate was built in the 1970s where vehicles were given priority and there seems to be a movement away from that and giving priority to habitable spaces. He further added that he was comfortable with the present scheme.

JH agreed with the report by DTP and agreed with the second scheme as there is a possibility that the outside space be used in a more recreational nature. She added that the second proposal was more of a suitable compromise.

Chairman said that his point of view was that although he sympathised with expanded family situation, they have a legal requirement to provide parking and with all due respect to the family, this was not an exception to be made under medical circumstances. He added that a compromise from both parties would be to approve the garage with the living space.

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CV asked whether the parking spaces and garages were managed by the same company to which the Chairman responded that they were and they were to be used by the people in the estate under house rules.

AB said the management company would be responsible for the enforcement of parking. Chairman confirmed that the applicant had served notice to the Management Company and they haven't commented on the situation. AB said that the current situation could gradually get out of hand and could force the management company to take action. AB said having the second option where they can retain the facility to park inside the garage is the best compromise.

The second alternative proposal was unanimously approved by the Commission with the approved scheme to be implemented within three months.

212/19 - F/16085/19 – 4A Library Gardens - Retrospective application for construction of summer room.

DTP reported that this application was a retrospective application. He said the proposal was for the construction of a summer room that is located in the patio on the west side of the property but abuts the wall to Albany house with Albany House being the property that fronts onto Town Range. DTP reported that objections had been made and had been circulated to the Commission with the objector wishing to address the Commission. He added that Albany House had a very long planning history and has been derelict for a very long time but is currently being redeveloped and the redevelopment involves the demolition of the rear wall to which the summerhouse is tied into.

DTP invited the objector to address the Commission.

The objector, Mr Kinglsey Thorogood (KT) wished to present some paperwork to the Commission but the Chairman denied this because it would not be fair on the applicant who would not have previously seen the paperwork presented.

KT insisted on reading the paperwork aloud with the Chairman's consent. KT referred to various legal documentation that he said meant that he was the legal owner of the wall in question.

Chairman asked KT whether he was the owner of the wall in question to which he replied that he was. Chairman then asked if KT had contested the situation in court to which he replied that he had not. Chairman stated that the Commission should not take any decision until this matter is settled in court

KT said the wall is shared between the two properties but it is not in shared ownership. He also said the applicant has a shed abutting the wall. Chairman asked if KT was aware that the shed was abutting the wall at the time of purchasing the property. KT responded that even though he knew, the shed did not form part of the structure of the wall and he didn't see a problem.

Chairman asked that knowing the shed was abutting the wall, and the design for the development coming after, couldn't the design be tweaked to accommodate both retaining the

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wall and the shed? KT said he does not believe that unauthorized proceedings should be condoned. Chairman said that even though the shed was unauthorized works it does not mean the applicant has no right to the structure.

CV said that this is an ownership issue and it is not for the Commission to decide.

KT said he could not endorse the structure built into their wall but has offered the applicant a solution at their expense.

The Chairman at this point asks the applicant to address the Commission.

The applicant, Ms Gill Robinson (GR) said that KT did offer to build the wall in the summer room because he wants to demolish the existing wall but the ownership of the wall is still in dispute. She said she is still waiting for his method statement and believes that there should be a full structural survey. She added that if KT demolishes to above the height of the summer room she has no objection but he wants to demolish all the way to ground floor.

GR also said that upon consulting AKS they confirmed that the plans did not ask for a ground floor development because the wall is a retaining wall.

A discussion ensued, again mostly on the legal ownership of the wall. Chairman clarified that the Building Control would approve a demolition that would be supported by their own structural engineers. He added that they would go to a level where the authority would accept that there is no danger to property or persons.

Chairman recommended the application to be deferred in order for the applicant and objector to try and find a solution to the ownership situation.

The application was unanimously deferred and if there is agreement between the parties consideration of the application could be considered by the sub-committee.

213/19 - F/16110/19 - 7 Europa Pass Battery - Proposed conversion of carport into garage and associated works

DTP reported that the proposal was to install a garage door in the undercroft parking area to convert the parking space into a garage and it also involves filling in an opening on the side of the space. He reported that in terms of visual impact, the only visible change is the incorporation of the garage door.

DTP reported that there were no comments to record from the consultees. He noted that all houses currently have undercroft parking giving a uniform appearance. The introduction of a garage door would change this uniformity, however, it is only really visible from the rear drive and the visual impact would be minimal. It would set a precedent but if a consistent design is adopted it is unlikely to be an issue. Provided the garage is retained for such use there would be no effect on parking.

DTP recommended approval including a condition that limits the use of this garage to vehicle parking.

JH said that in order to keep uniformity, any other applications for the same works should use the same materials and colours.

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AB said the management company might wish to provide a view on that also. Chairman said they have been consulted but they have not commented.

The application was unanimously approved including the condition on limiting the use

Minor and other Works – not within scope of delegated powers.

DTP said items 14 to 18 were all appeal decisions of which the Tribunal upheld the DPC's refusals on the large billboards.

214/19 - F/14805/17 Sundial Roundabout, Winston Churchill Avenue -- Proposed installation of billboard for advertising purposes.

215/19 - F/14806/17 South End, Cepsa Petrol Station -- Proposed installation of billboard for advertising purposes.

216/19 - F/14807/17 Customs Garage, Frontier -- Proposed installation of billboard for advertising purposes.

217/19 - F/14812/17 Landport Tunnel, Corral Road -- Proposed installation of billboard for advertising purposes.

218/19 - F/14813/17 Entrance into Gibraltar, Frontier -- Proposed installation of billboard for advertising purposes.

219/19 - O/16081/19 - Plata Villa, 5 Witham's Road - Proposed installation of pergolas on the flat roof terraces of existing buildings 1 to 8.

JH asked if there was any information on the Plata Villa pergola.

DTP responded that the management company have submitted an application on behalf of the estate in order to have a uniform design in case the residents wished to apply for one. JH also asked if they have any green spaces or solar panels. DTP confirmed that they have retained the green areas and solar panels and that the pergolas will only be on parts of the roof. He added that the Town Planning has no objections to them because they only cover part of the roof, the visual impact is minimal and it is not considered that they will affect the character of the building in a negative way.

The Commission approved the application.

220/19 - F/16111/19G - RAF Gibraltar -- Proposed contingency visual control tower consisting of two x porta cabins mounted on top of each other.

The Commission had no objections to this application.

Applications Granted by Sub Committee under delegated powers (For Information Only)

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221/19 - BA10830 - Lucas Imossi Motors, Waterport Circle -- Proposed 18 storey building comprising of commercial use at ground and first floors and residential above, with the option for locating a sub-police station at ground floor, and residential above.

Consideration of details to screen air conditioning units to discharge Condition 11 of Supplemental Planning Permit No. 2419C.

222/19 - BA13053 - Pavement at Northern End of Beach, Eastern Beach Road -- Proposed timber kiosk.

Request to renew Supplemental Planning Permit No. 4298C for a further year.

223/19 - BA13488 - Rosia Road Stagioni Restaurant -- Proposed new single storey glazed extension to existing restaurant.

Consideration of revised plans for reconfiguration of toilet block and material for stone cladding as well as consideration of revised roof proposals and material for roof sheeting in respect of Condition 1 and Condition 5 of Supplemental Planning Permit No. 4811B.

224/19 - F/15097/17 - 38 Turnbull's Lane -- Proposed refurbishment of commercial premises and installation of signage.

225/19 - F/15276/17 - Suite 1.22 World Trade Centre -- Proposed internal office refurbishment.

Consideration of revised plan to install glass partition within the unit to vary Condition 1 of Planning Permit No. 6402.

226/19 - F/15347/18 - 701 Seagull Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

227/19 - F/15432/18 - Sunrise Kiosk, 12 Eastern Beach -- Proposed alterations to premises.

Consideration of revised drawings seeking changes to the proposed orientation, layout and size of replacement kiosk as well as modifications to external decked area to vary Condition 2 of Planning Permit No. 6620.

228/19 - F/15793/18 - Vacant Open Flat Roof Area Over Chatham Counterguard Vaults, No. 11 and No. 12 -- Proposed reopening of access to roof in Vault No. 12 Chatham Counterguard and hard and soft landscaping on unused open rooftop terrace above Vaults No. 11 to No. 12 Chatham Counterguard only.

Consideration of revised plans to comply with Commission's determination of application at DPC.

JH said she was disappointed with the fact that the appreciation of Chatham Counterguard has been almost obliterated by the amount of new structures and enclosures that have been permitted

Chairman commented that from a Town Planners perspective, the area will now be enjoyed by the general public.

Approved

DPC meeting

25/04/19

CV said even though it moves away from the original vision, he believes the pergolas in front of the units but that the fake guns, barriers and general clutter is an eyesore.

AB said that the application will allow the general public to appreciate and be able to interpret the top of the counterguard wall with its gun embrasures and the actual guns there.

Chairman said that this is a mitigated situation where they did submit an application for the whole terrace but they are now limited to their own leased area underneath.

229/19 - F/15929/18 - 23 Willis's Road -- Proposed minor external alterations including removal of front door porch, reduction in size of bathroom window and reinstatement of front door at original location.

Consideration of proposals to reinstate original window and shutters to vary Condition 1 of Planning Permit No. 6952.

230/19 - F/15940/18 - 24A Prince Edward's Road -- Proposed change of 11 windows from aluminium casement to uPVC sash windows and removal of roller blinds.

231/19 - F/15959/18 - 212/216 Main Street -- Proposed refurbishment and fit-out of commercial premises.

Consideration of revised plans to reflect new signage and removal of projecting concrete slab to north elevation to vary Condition 1 and discharge Condition 7 of Planning Permit No. 6982.

232/19 - F/15980/19 - 208 Rosia Plaza, Rosia Parade -- Proposed internal alterations and replacement of windows and balcony doors.

233/19 - F/16051/19 - 18 Seashell House, Beach View Terraces -- Proposed erection of fence around boundary wall.

234/19 - F/16074/19 - Unit 0.03 World Trade Center -- Proposed change of use of unit to shop and internal refurbishment.

235/19 - F/16075/19 - Unit 21-23 Watergardens, Waterport Road -- Proposed internal alterations to commercial premises, installation of new signage and ramp access.

236/19 - F/16077/19 - 122 Ragged Staff Wharf, Queensway Quay -- Retrospective change of windows on a like for like basis and proposed installation of two awnings to terrace area.

237/19 - F/16080/19 - 6 Lake Ramp, Buena Vista Estate -- Proposed internal alterations, replacement of shared metallic fence with half height partition wall in terrace, change of windows and the installation of glass balustrade on balcony at first floor level.

238/19 - F/16088/19 - 135 Block 1 Water Gardens -- Proposed internal alterations.

239/19 - F/16089/19G - 2 Orillon House, Laguna Estate -- Proposed conversion of vacant ground floor apartment into behavioural health residential facility.

Approved

DPC meeting

25/04/19

240/19 - F/16090/19G - Genoa House, Catalan Bay -- Proposed replacement of glass blocks to staircase landings with windows and permanent vents.

241/19 - F/16096/19 - 3 Rosia Court, 21-23 Rosia Road -- Proposed internal alterations.

242/19 - F/16097/19 - 1003 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.

243/19 - F/16099/19 - 14 Sunrise Court, Catalan Bay Village -- Proposed installation of glass curtains.

244/19 - F/16102/19 - 603 Abyla Lodge Mons, Calpe Mews -- Proposed installation of glass curtains.

245/19 - F/16103/19G - St Paul's First School and Nursery Varyl Begg Estate -- Proposed roof refurbishment.

246/19 - F/16104/19 - 323 Block 3, Water Gardens -- Proposed internal alterations.

247/19 - F/16112/19 - 5.14 & 5.16 World Trade Center -- Proposed internal alterations to office unit.

248/19 - F/16116/19 - Europarking, Europort Avenue -- Proposed construction of a temporary bin store.

249/19 - F/16117/19 - 3.21 World Trade Center, Bayside Road -- Proposed amalgamation of two units and associated internal alterations.

250/19 - F/16129/19 - 33 Gibraltar Heights -- Proposed change of windows and installation of awning.

251/19 - A/16115/19G - Main Street by Parliament House -- Proposed installation of banner to promote Gibraltar Youth Day.

252/19 - A/16118/19 - First Floor Balustrade, Casemates -- Proposed installation of banner to advertise Gibraltar Face and Body Painting Festival.

253/19 - N/16082/19 - 2 Windmill Hill Road -- Proposed removal of a Brazilian Pepper Tree and a Wild Olive Tree on retaining wall.

This tree application sought to remove a small Brazilian Pepper Tree of poor form and a small self-seeded Wild Olive Tree of average form which have caused cracks on a retaining wall below. It was considered that as both trees are located above a busy road and have the capacity to grow much larger, the trees could in the future cause a serious hazard to motorists and should be removed subject to the planting of replacement trees in a location to be agreed with the Department of the Environment prior to existing trees being removed and the wall to be repaired.

Approved

DPC meeting

25/04/19

254/19 - N/16120/19 - Parson's Lodge Battery, 7th Rosia Battery, Rosia Bay -- Retrospective application to remove Wild Olive Tree.

This tree application sought to remove a small to medium-sized Wild Olive Tree that had self-seeded on a historic wall, where it should not be growing and the tree and its root had caused significant damage to the wall. It was considered that the decision to remove the tree was correct and fully supported.

Any other business.

255/19 - BA13488 - 4 Stagioni restaurant, Rosia Road - new single storey glazed extension to existing restaurant

AB confirmed to the Commission that the landlords revisited the application in lieu of the TSD's requirement for shared use for the bicycle route and together with Building Control, held a meeting with the applicant and they have obtained his agreement to use the entrance and ingress to the restaurant on either end of the structure and not the west facing entrance. This to prevent overspill onto the promenade.

Chairman said he would have appreciated that the Town Planners would have been present.

GM said the issue that comes to light here is that what was previously part of the pedestrian route which was enjoyed by everyone, we now see a floor slab with a potential enclosure henceforth in the future there might be an application for further tables and chairs.

JH said they have already applied in the past and has already been refused.

AB said the Landlord HMGOG has confirmed to the applicant that no further tables and chairs will be entertained.

256/19 - Next Meeting

The next meeting will be held on the 30th May 2019.