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DPC meeting 3/21
25th March 21

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 3rd Meeting of 2021 of the Development and Planning Commission held remotely via video conferencing

Present:	Mr P Origo (Chairman) (Town Planner)
	The Hon S Linares (MHYS) (Minister for Housing and Youth Services)
	The Hon Dr J Cortes (MESC) (Minister for Environment, Sustainability, Climate Change and Education)
	Mr H Montado (HM) (Chief Technical Officer)
	Mr G Matto (GM) (Technical Services Department)
	Mrs C Montado (CAM) (Gibraltar Heritage Trust)
	Mr K De Los Santos (KDS) (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'Reilly (VR) (Rep Commander British Forces, Gibraltar)
In attendance:	Mr P Naughton-Rumbo (DTP) (Deputy Town Planner)
	Mrs L Mifsud (Minute Secretary)
Apologies:	The Hon Dr J Garcia (Deputy Chief Minister)

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158/21-Approval of Minutes

The draft Minutes of the 2nd meeting of 2021 held on 25th February 2021 were approved.

Matters Arising:

None

Major Developments:

None

Other Developments

159/21/N/16389/19-Buena Vista Park – proposed removal of tree (*Phytolacca Dioica*).

DTP—Reported that there had been a successful prosecution for the unauthorised cutting down of a tree resulting in the developer being fined £500.

JH- stated that it had been a great loss of a mature tree and questioned if developers have any responsibility in replanting on the same location and stated that the level of fine was too small to be a deterrent especially when it comes to large developments.

DTP-reported that the DOE was hoping that the tree would recover and that they would monitor the tree.

Chairman- referred to the normal policy of requiring any tree lost to be replaced with two new trees.

DTP- stated that in this case it was not required as DOE's assessment was that the tree may grow back and they would monitor the situation.

DTP- stated that under the Tree Act there is a possibility for a notice to be served to plant new trees.

MESCE-stated that the fine in question was small relative to the value of the tree. **MESCE** requested for **KB** to advise.

KB- did not think the tree had been inspected since then but is hopeful that the tree will regrow.

MHYS- suggested that the value of the tree is much greater than the amount of the fine paid and therefore stated that it could be a question of amending the law to be able to do more concerning cutting down trees.

MESCE – Agreed with **MHYS** and stated that the tree should be replaced. **MESCE** stated that he would get his team to review the Tree Act in order to have clear direction as to the level of fine that can be imposed.

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160/21 F/16672/20-1 Shakery's Passage -- Proposed extension to, and refurbishment of property.

DTP- reported that this was a revised proposal for refurbishment and the addition of a storey.

DTP -reminded members that the application had been deferred in September 2020 to allow the applicant to reconsider the design taking account of the following:

- Reconsider height/mass;
- Consider limiting to one storey (with no mezzanine) and possibly omitting the roof terrace;
- Consider setting back from the rear property;
- Consider a more comprehensive redevelopment;
- Reconsider the external staircases and landings as they raised privacy issues.

DTP presented a summary of the revised scheme. He reported that the mezzanine had been omitted thereby reducing the height, rear facing windows were opaque and inward tilting, a false pitch had been introduced at roof level and that external staircases were retained to 1st floor and roof terrace.

DTP- The Ministry of Heritage welcomed the revisions and the element of revised pitch roof and introduction of shutters.

Ms Joanna Jadcak (JJ) Objector- stated that the proposal does not meet the Town Planning Act 2018 in respect of section 23a. The site notice has been placed within an internal private area therefore not allowing the public to view it. JJ also stated that there are 1st floor windows, which have not been shown to the Commission and will look into habitable rooms and therefore this proposal will have an impact on habitable areas.

In addition, the external staircase would allow people to directly look into habitable rooms at the rear and therefore result in loss of privacy. JJ Stated there is no disabled access.

JJ- stated that there must be no unacceptable impact on amenity in terms of visual impact, significant loss of privacy, overlooking disturbance, odors and traffic movements.

JJ- lastly stated that a planning statement has not been presented.

JJ-Considered the proposal to be contrary to several principles and relevant planning policies. The redevelopment would be detrimental to the existing occupants of the property.

The Chairman -questioned where JJ's clients reside within the complex.

(JJ)- Confirmed that the client lives in the unit on the ground floor.

Applicant Mr Stephen Martinez (SM) – stated that he was not given advance notification of the detailed objection. The planning statement was issued and the notification of the proposal has been placed so that it was accessible to the public.

SM- stated that with regards to the scheme the privacy aspect had been seriously considered but that there was limited space to provide external access.

SM- They had addressed privacy issues through alterations such as opaque windows and introduction of roof trim. The area is in dire need of refurbishment that would benefit all. Felt that

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they had followed TPBC advice and were trying to be sensitive.

The Chairman understood that alternatives suggested by the Planners had not been totally incorporated in the revisions.

SM- stated that the footprint is quite small and that the only way to create a masionette is by placing the stairway internally, and stated that it is a small single storey extension of less than 20 square meters.

The Chairman - asked if the sitting tenant had already been reallocated.

SM confirmed that she would be rehoused imminently by the 3rd of April.

JH- was concerned with the continuous unease and objections within the area. She was concerned with the fact that **SM** did not have the detailed objection.

SM-The objector has not paid rent in three years and feels he is using this as a tool, **SM** stated that the objector is not directly affected in anyway with this proposal because of the location of where he resides. They are building on the actual footprint, and not encroaching on any further area.

DTP- For clarification purposes stated that the objection received from Planning Vision had been seen by **SM**.

SM- confirmed that he did see them a year ago.

DTP- Summarised by saying that some changes made were welcomed. The reduction in height reduces the impact on the windows to the rear. The false pitch helps assimilate the proposal into the streetscape and pushes the terrace away from the property to the south, which together with a privacy screen would minimize overlooking. However, significant concerns remained with the loss of privacy resulting from the external staircases to 1st floor and the roof terrace. There would be significant loss of privacy and daylight. These effects were considered unacceptable.

The Chairman - asked the applicant if the staircases could be redesigned.

SM- stated that he would be happy to take on board the Chairman's comment.

The Chairman - suggested deferring the application and this was agreed.

161/21 F16947/20-Vacant open flat roof area over Vaults No.13 and No.14 Chatham Counterguard -- Gain access to current unused open rooftop terrace via introduction of new external staircase and beautify the upper space.

162/21 F17052/20-Vacant open flat roof area over Vault No.10, Chatham Counterguard -- Gain access to current unused open rooftop terrace via introduction of new external staircase and beautify the upper space.

DTP-stated that these two applications related to the roof areas to vaults No13, No 14 and No 10. The area had been refurbished and converted in 2009 and that all the vaults have external seating on the pavement with uniform designed canopies and currently have seating in the road area due to Covid 19 measures.

The proposal is to create seating areas on the roofs of the vaults. Access would be provided by the

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construction of a new external staircase on the south east end of Chatham constructed of lightweight steel and glass. It will affect the planted area although the proposal includes new planting to help screen the staircase. The applicant had provided evidence that a staircase had previously existed in this location. The roof terrace area would follow the same design parameters as for units 11 and 12, which had already had permission granted for the terrace area.

DTP- stated that the Fire Rescue services have imposed a limit of 100 people at any one time on the two terraces.

DTP- stated that there had been concerns regarding the operational arrangements for the terraces in particular with Unit 10 and how they intended to service the terraces. Following a request for more information the Applicant had confirmed that the intention is to pre stock the terraces at a particular time of the day to avoid waiters coming up and down the stairs. A further concern had been shading requirements to which the Applicant had responded that a Chatham committee had been set up that was discussing with the Ministry for Traffic and Transport to come up with a uniform design for external furniture and would be happy to include this in their discussions.

DTP summarised the planning history for the My Wines premises and in particular, that access was via an access hatch, that an external spiral staircase had been considered but then not required due to alternative means of escape being possible via the Montecristo building. Also highlighted was that the height of counters and other structures must not exceed the height of the parapet walls.

DTP also referred to a previous application for vault 14 that included the removal of the planter (that is where the external staircase is now proposed) to allow for table and chairs that was not permitted by DPC and the application was subsequently amended to omit this.

DTP summarised the departmental feedback as:

- DOE had assessed the planted area and found the proposal could be acceptable as GOG is planning on improving the planting as part of their wider beautification scheme for the area.
- The Ministry of Traffic and Transport have confirmed that they have amended their beautification scheme for this area that will allow the insertion of the staircase in this area.
- Gibraltar Heritage Trust were not averse to the use of the terrace as long as it is strictly controlled and managed. However, the servicing and managing of the terrace level is likely to lead to demand for permanent structures and this is of concern to the Trust and cannot support the application as it would compound the untidy and cluttered appearance of the area.
- The Ministry for Heritage had no objection in principle but noted that a Heritage license would be required.

The occupiers of all units had been notified and no comments had been received nor from the public.

Mr Francis Trico (FT)- addressed the Commission. He highlighted the requirement for a 1.4m clear route under the previous My Wines application to allow future access. **FT** stated that the proposal is in line with what has been permitted for My Wines. The idea of the staircase was for it

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to sit in front of the monument and therefore not would not detract from the monument itself.

FT-highlighted the Heritage Trust's concern with regards the servicing of the Terraces, and stated that the idea is not to have a fully operational restaurant at the top level.

Mr Tyrone Folley (TF) Owner-Reconfirmed what FT stated concerning the use of the terraces.

CAM – asked FT How he intends to control the inevitable clutter on the terraces.

FT- Confirmed that the occupiers are very much into having a uniform scheme with regards to the shading of the area with an overall design concept and this is being discussed with the Ministry of Traffic and Transport. There will be no issue with overall height as FT stated that they will follow the My Wines proposal. FT also stated the importance of the 1.40m footpath to allow public access to the city walls

CAM- Questioned the ability to enforce if any occupier did not follow the uniformity of the area.

FT- re-stated that there is close consultation with the relevant Ministry to have everything uniform within the area.

The Chairman - stated that as far as the Certificate of Fitness, Building Control, was the responsible monitoring authority and therefore once granted it could be monitored with regards to ensuring the maintenance and repairs for unnecessary items within the licensed area.

GM- queried that no mention had been made of the comments from Technical Services Department.

DTP- apologised and stated that Technical Services Department had raised an objection to the staircase.

GM- stated that there would be three different businesses enjoying the same area and that he was concerned with noise propagation and asked FT how this will be dealt with.

FT- stated that at present there have been no public objections on noise even though there is already one roof top terrace fully functioning.

JH- referred to the precedent that the original proposal had created. JH stated that the lack of objections does not mean that people do not object but rather that the public are not aware of planning applications.

DTP- Summarised the application and stated that the principle of the use of the roof has been established, noted the existence of a previous staircase in the same location, the fact that the installation of a staircase was reversible and would not affect the integrity of the structure. In terms of the staircase TPBC considered that there would be some level of visual impact but that this could be mitigated in part if appropriate landscaping is implemented. The actual design is lightweight and the walls are largely left exposed. Additionally, the staircase would allow public access to the top of the walls. In terms of policy, it is considered that there is no significant adverse effect on the monument itself but there would be a minor effect on the setting that would be reversible. GoG's plans for Chatham Counterguard have been amended to allow for the proposed staircase.

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DTP commented that the additional information provided on how the terraces would operate addressed concerns about future demand for other structures such as dumb waiters and internal access that could have adverse effects. It was also worth noting that with these two applications there were no further roof areas available.

DTP- confirmed that there was genuine concern in relation to permanent structures placed in the area and that at present the area is looking unsightly and cluttered and that it is quite difficult to appreciate the monument. The use of the roof is considered to have minimum impact but the erection of structures on the roof would be a different story as these would have an effect on the appearance of the monument.

DTP- considered that umbrellas could be used for shading purposes as they are not permanent, and strongly believed there is need for close liaison amongst GOG departments such as LPS in terms of lease conditions, MTTP in terms of discussions concerning agreeing uniform designs and the DPC, in order to ensure that the area is properly controlled.

DTP- recommended approval of the application with conditions on limiting occupancy levels, no permanent structures, approval of design of umbrellas, approval of final landscaping details and noting that a Heritage License will have to be issued.

MHYS- stated that in previous applications this issue was refused by different departments, and questions why the change to the decision. **MHYS**- also questioned access for disability use, and makes reference to the new residential area which will be built in the area.

GM and JH- both agreed with **MHYS**.

The Chairman - Stated that the monument will be used by the public, the area in question has not received any objections by any member of the public, standard canopies for the ground level have been successfully been built and it had been proven that there had been a staircase at this same site. As a Town Planner, he considered that public amenities where possible on listed city walls should be encouraged, with appropriate control under licenses including such matters as noise and accumulation of unsightly structures.

MESCE- Would like to see the landscaping before approving, considered that a more traditional iron balustrade would be more appropriate than the glass balustrade and that a Heritage License would be required., MESCE did not have any objections to the use of the area.

JH- questioned the security with regards to the open area.

The Chairman - stated that he thinks that they will be operated like the ones on the Casemates Barracks, which are controlled by CCTV system controlled by LPS.

CAM- confirmed that the glass balustrade follows the style that is currently in use through the city walls, however stated that the Trust cannot support the proposal until conditions to control appearance and clutter are in place.

KB -agreed with **CAM's** comments and supported the views of the Trust, and also agreed with the glass balustrade.

Following the discussion, the Chairman requested members to cast their vote: The results were:

4 votes in Favour.

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3 Against

4 Abstentions

The application was approved.

163/21 O17266/20-Surrey House, 28b Europa Road -- Proposed demolition of existing residential dwelling and basement and construction of new dwelling

DTP- explained that the property is one of a pair of Ex MOD detached houses having the main access on Europa road with the site dropping down to Buena Vista road. There are external areas with planters and trees and an outdoor swimming pool.

The proposal is for the demolition of the existing house and redevelopment with a four-storey building and basement with a new entry and garage via Buena Vista Road. It also incorporates a new public footpath on Europa Road and includes planting of new trees and shrubs.

DTP summarised the planning history of the site. An outline planning application was made in 2016 for a substantial redevelopment. The DPC had concerns with public vistas from Europa Rd, the architectural coherence of the pair of dwellings and requirement for tree assessments. The scheme was subsequently revised to retain the existing building and extend it at lower levels. Permission was granted in 2017.

DTP- On the lowest level at Buena Vista Road, the proposal is to construct a garage, which will be set back with access off Buena Vista Road with 6 parking spaces within the garage and 3 outside. A footpath is proposed across the frontage. An external staircase from Buena Vista Road to the upper level will be incorporated and a footpath demarcated for public use across the frontage of the garage. The next level includes an external swimming pool located over the garage. The mass of the building is oriented to the south west; there is soft landscaping and planting around the pool area, there is an existing mature pine tree which will be retained as part of the proposal. The next level up is similar to the level below. There are terrace areas north and south with landscaping on the boundaries. An external staircase is also located at this level. On the next level up, the building line is set back with terraces to the west; there is some extension eastwards and two existing trees will be retained in the northeast corner and one in the southeast corner. In addition, there will be various terraces with new planters. On the top level a vehicular access off Europa Road with one parallel parking space is proposed, a public footpath across the site is provided, various planters and the building footprint itself is substantially reduced from the lower levels. The roof area includes solar panels and a green roof.

The external treatment proposed is a rendered insulation system using mainly lighter colors with darker colours used to accentuate certain design features. It has a contemporary architectural character.

Five mature trees are to be retained, three small trees relocated and new trees and shrubs planted. A green sedum roof is included. The client is aiming for an A+ in terms of energy performance.

DTP- Referred to the comments from departments as a result of consultation.

The DOE included a requirement for swift and bat surveys and provision of bird nests into the

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design.

Ministry for Heritage have commented that they would prefer the retention of the building although if planning permission were to be granted they would require a photographic survey and an archeological watching brief.

Both Traffic Commission and the Ministry for Traffic had no objections and welcomed the proposed footpaths.

DTP reported that there had been three letters in support of the application and one objection, the objection mainly related to the fact that the current building has particular architectural value and is of historical value. Copies of all representations had been circulated to Members with the agenda.

The letters in support welcomed the scheme, the renewables, and the planting of trees and greatly welcomed the introduction of the footpaths along Europa Road.

DTP- stated that it is a significant development involving substantial excavation of the site and resulting in a building with greater floorspace than existing. He noted that at the Europa Road level open vistas were largely retained. The contemporary architecture significantly alters the streetscene and in particular how it sits with the adjacent Suffolk house. He commented that the extensive development at the lower levels would result in a significant change to the character of the site.

The comprehensive landscaping proposals and public footpaths were welcome features.

DTP considered that the substantive mass of the building and the loss of the original building was one of the main concerns and reminded members of the previous decision in 2017 which only allowed extension to the building and retention of the existing building.

The Chairman - Questioned the applicant with regards to the excavation and why submit a new proposal when there was an original approved design even though it expired back in 2017.

Mr Daniel Rios (DR)Applicant- Stated that even though his client did look at the scheme proposed back in 2017 he obviously had a different type of scheme in mind.

DR- stated that one of the main concerns was the access via Europa Road and therefore having access via Buena Vista Road was a benefit. They had also taken into account the recommendations with regards to visual impact.

DTP asked whether it would be possible to have a smaller scale garage accessed off Buena Vista Road without affecting the existing building.

DR- stated that due to the necessary excavation works for such a garage the existing building could be damaged during construction.

JH- Asked what percentage of the site was green area as existing and what percentage would it be with the new proposal. She also suggested consideration of the use of mirrors on Europa Road so it could ease access to the top parking.

DR- stated that the new scheme is proposing a 48% increase of green area.

DTP- clarified that **JH** question was in terms of building to green area ratio-applicant with

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proposed building footprint to have increased clarified this.

DR- confirmed that there are already Mirrors in place but this not the solution.

MESCE- Commented on the design and stated that it is a beautiful design in isolation but feels it is totally incongruous with the location.

MESCE- stated that the design is defying heritage with regards to the roof top and that the proposed structure will completely change the character of the area from a suburban to a completely different one. Buena Vista road is almost still a country lane and this character will be lost.

With regards to the greenery MESCE stated that the shrubs would be pushed to the posterior part and would not be seen from Buena Vista Road.

CAM- Did not agree that the building has little value with regards to Heritage and the Trust will not support this application.

KB- supported everything that MSCE and CAM stated.

A vote was taken on the application as submitted with the following results:

0 votes in favour.

1 Abstention.

10 Against.

The application was refused.

164/21-F17296/21-Unit 6 Casemates House, 17 Casemates Square -- Proposed change of use from shop (Class A1) to bar/restaurant (Class A3) including external area for tables and chairs

DTP- Summarised the application stating that the proposal was for the change of use from a shop to a restaurant and included a proposal for an external area for table and chairs. The proposal includes the provision of a bar/toilet and kitchen on the ground floor and the introduction of a ramped entrance. In respect of food odours the applicant is proposing the use of a triple filter system. On the 1st floor there were minor alterations including a toilet and a store.

DTP- stated that there will be change in signage although it will maintain the same style as used elsewhere on the building. Externally the proposal is to include table and chairs and pergolas as per the standard design in Casemates Square.

DTP- Highlighted relevant planning history stating that Café Modelo, Unit 3, was granted change of use from retail to a café in 2016. Unit 7 was granted permission for change of use from shop to café but the proposal for external tables and chairs was refused as the Commission, at the time, felt that until GOG completed a review of the whole table and chairs situation in Casemates Square the permit could not be granted.

DTP- reported that the Environmental Agency(EA) initially had concerns with food odours but that following clarification with the applicant with regards to the type of cooking that was going to

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be undertaken within the establishment, the EA were satisfied with the proposed triple filtration system and had no further comments.

DTP- reported that objections had been received from numerous businesses within the area represented by Hassans. Mr Charles Bonfante of Hassans was invited to address the Commission.

HASSANS Mr Charles Bonfante (CB)- The objection are based on three main headings:

1. The importance of Casemates Square as a public open space.
2. The impact of public access across the square, and
3. Reminded the Commission of the objections which have previously been made by DPC in the past concerning the same area.

CB – Decisions on Casemates Square should be taken with protection and enhancement in mind. CB stated that the granting this application will only remove the few public spaces left which are used as play areas and are part of the true value of Casemates as an open space. He emphasised that Casemates Square is one of the only open spaces left and is used as an access route.

CB- Made reference to the Commission's approach in the application which was not granted in 2017, and that those considerations and concerns should still be taken into account today.

The Chairman – thanked Mr Bonfante and then asked DTP to confirm whether the Commission had objected to the change of use of the unit in the previous application or only to the tables and chairs.

DTP- confirmed that the Commission had granted permission for the change of use of the premises from a shop to café but had not granted permission for the external tables and chairs.

The Chairman-Questioned CB as to whether the objectors were only objecting to external table and chairs or were they also objecting to the change of use within the unit.

CB- was unable to reply to the Chairman as he did not have the relevant information. CB undertook to find out and would then advise the Chairman.

Applicant Ramesh Karnani (RK) was invited to address the Commission. RK stated they are applying for this change of business as the business climate has changed due to the pandemic. He stated that the whole area was becoming a food court and therefore felt that he should follow this trend and set up their own coffee shop specialising in health foods.

He stated that the objectors point on access is totally wrong as the access is already being blocked by adjacent businesses which overlap with his shop front.

DTP- asked the applicant if the service access artery seen on the images and which runs parallel to the frontage of Casemates House would remain accessible.

Stephen Martinez (Architect on behalf of applicant) -confirmed that the artery would remain free.

The Chairman invited CB back to provide his response to the earlier question as to whether the objectors were objecting to both the use of the premises and the external table and chairs. CB confirmed that this was the case on the basis that only allowing change of use of the premises

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without the external area would not be viable.

The Chairman stated for the record that Unit 7 submitted a subsequent application for the change of use of the premises only and that was approved by the Commission despite the objections from others.

DTP- summarised the planning report saying that there were no planning objections to the physical alterations of the premises. He stated that Casemates is an alfresco eating area and the proposed use was consistent with that. DTP stated that although one issue was the extraction of odours, the use of triple filters and information given in terms of the type of cooking would allow the premises to be controlled if permission where to be granted. A condition could be included to limit the type of cooking that is permissible.

DTP- With regards to the external table and chairs, this would be as per other units. He highlighted that they would not obstruct the access road, which is the designated servicing area but that the Commission should bear in mind previous applications where the concern was allowing more tables and chairs.

DTP- confirmed that the review of Casemates Square by GOG had not happened and had apparently been further delayed by the pandemic but that notwithstanding, this was something that has to be undertaken.

DTP- Stated that the only other point to make was that the Gibraltar Development Plan has a policy for tables and chairs in public areas and that normally they would be granted unless it would cause issues of congestion, or restricts access or visibility of adjacent premises and subject to appropriate designed furniture.

JH- Stated that there is a concern with the whole casemates management and asked who is the Ministry with this responsibility

DTP- confirmed that this had been taken over by the Ministry for Traffic and Transport.

JH- asked whether there is a holistic plan and committee in Casemates and stated there has to be limits to how these businesses can operate and has to be some retention of the nature of the Square.

MYHS- agreed with JH but assured that there had been a lot of work done towards the Casemates control and planning, therefore he felt it was wrong not to approve this because of other factors beyond the applicant's control and suggested approving the application on the basis that it would be added as part and parcel of the whole review of Casemates Square.

A vote was taken on the application as submitted, i.e. for both change of use of the premises and external use for Tables and chairs:

8 Votes in favour.

2 Votes against.

1 Abstention.

The application was approved.

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165/21-F/17304/21 House 3 The Arches, 11 South Barrack Road -- Proposed single storey extension to dwelling with new stairs and lift and ancillary works.

DTP- summarised the proposal, stating that the property lies on 3 different levels accessed from South Barrack Road and includes a single storey extension with new stairs and lift.

DTP- explained that on the ground, 1st and 2nd floors there are various internal alterations and extension of the building to allow the insertion of the stair core and lift. An additional storey would be added with the stair core and lift also serving this new level and extending up to a roof terrace that also includes a pergola.

DTP- Explained that it is very difficult to view the front elevation in its entirety due to the very narrow passage it fronts on to. The East elevation is the one seen from the back of property, in particular from the objector's property.

DTP reported that DOE had standard comments in relation to bird and bat surveys, and the provision of nesting sites which need to be included if the application is approved.

The Chairman invited the objector, Mr Pilcher (MP), to address the Commission. MP explained that their home is adjacent and very close to the development and considered that the approval of the proposal will only cause loss of sunlight and the loss of privacy to practically their whole house. **MP** explained that it would be the only property in this area with four levels and it will create a precedent for future applications.

The applicant Mr & Mrs Carroll (MC) & Stephen Martinez representing applicant (SM)-

SM- Stated that the design will actually flatten the height and the extension will improve the distance that already exists between the applicants and the objector's property. SM confirmed that the applicants were willing to consider placing fencing on the roof terrace to avoid any loss of privacy.

Mrs Carroll- stated that the proposal was only for an attic conversion to create a more livable place to live in, and disagrees with the objector's points with regards to privacy as she explained that it is totally the contrary.

Mr Carroll- stated that he feels that the extension proposed is not obstructive and will not make any change to the street character, he stated that they would be willing to add a screen to create more privacy and made clear that there are 12 meters between the residential houses and that they have followed the 2 meter requirement.

DTP – asked MP whether the applicant's proposal to erect a privacy screen on the roof terrace was something that he would welcome.

Mr Pilcher- confirmed that it is something he would need to consider further.

SM- reinstated that the three windows the objector makes reference to overlook 7 meters of the applicants' patio and not on the objector's patio and there is no change in status with the proposal.

DTP- reported that in terms of visual impact this would be very limited due to its siting to the rear

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of the buildings fronting South Barrack road. TPBC considered that overlooking and loss of privacy would be marginal. TPBC understands both sides of argument but noted that is 7 metres between the applicant and the objector's boundaries and almost 12 metres between facades, and therefore it is unlikely that the proposal will create loss of daylight or privacy.

DTP- Stated that overall the recommendation was to approve the application with standard conditions to reflect departmental feedback.

JH- it would be great if the privacy issued could be resolved amicably.

A vote was taken:

10 votes in favour.

0 Votes against.

1 abstention.

The application was approved.

166/21-F/17319/21-2A Gardiner's Road -- Proposed conversion of a carport into a garage

DTP- explained that the proposal is a full planning application on Gardiner's Road for the conversion of a carport to a garage. It is an existing car parking space on a concrete slab supported off columns sitting on the lower slopes. There are also telecommunication cabinets to the north of boundary.

The garage would comprise a single storey construction with a steel garage door and incorporated windows to north and west elevations. In terms of the external treatment it appears that a stone cladding is proposed whilst, following discussions with the applicant, a green roof is to be incorporated.

DTP- confirmed that there were no comments from departments to report on.

Objector Mr Nigel Garcia (NG)- stated that as a resident and architect the proposed garage would be located on a front line position and would be the first impression upon arriving at Gardiner's Road and should be an attractive and positive addition. The proposal as it stands would appear as an object in isolation and not tied in with the rest of the property. Its design is not intended to enhance and it would be a lost opportunity to update the outdated frontage of the property if not unified together with the rest of the area.,

NG also highlighted the lack of clarity of the design within the proposal and stated that he supported the proposal but felt that it did not follow the streetscape and it would have an impact on the area.

Applicant SM- has no comments and stated that the recommendations have been followed and that it followed the character of the adjacent property.

JH- asked if any trees will be removed.

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SM- confirmed that trees will be untouched.

DTP- stated that a garage would not look out of place in the context of a built up area. He welcomed the introduction of the green roof because it would have ecological value being so close to the upper rock as well as assisting in softening any visual impact from above. He recommended that external treatment be a simple rendered and painted finish similar to surrounding buildings and on this basis recommended approval of the application.

DTP- clarified that in terms of the details of the design of the garage door a condition would be included to require the submission of these details prior to commencing works.

The Chairman- assured the members and the public that in every single permit the applicants are required to submit details of material, colours and other specifications which are then passed on to the Sub Committee for vetting.

The Commission unanimously approved the application with conditions on the external treatment in line with DTP's recommendation and details of the garage door to be submitted for approval.

167/21-F/17325/21G-Rock Gun -- Proposed upgrade to Tactical Air Navigation System (TACAN) replacing existing tower with new tower and infrastructure.

DTP - reported that this was an MOD application and therefore was tabled for DPC recommendations as opposed to planning permission.

DTP summarised the proposal stating that it consist of replacing an existing TACAN antenna and tower. The antenna is a radio antenna that provides range and bearing data to aircraft. The proposal is to dismantle the existing tower and construct a new one on the northern end of the site. The new location is slightly below the ridge line and the idea is to construct on an existing concrete slab. It will comprise a lattice tower with antenna, some 15meters in height and cabling would be laid to an existing transmitter building. It is possible that there may be a need for a small extension to the slab. The visual impact will be less due to its location off the ridgeline.

DTP- Explained that the site is located in the nature reserve and a Special Area of Conservation and confirmed that there are specific planning policies that would be relevant when considering this application. DTP referred to policy Z9.5 in relation to utility development in the Nature Reserve, which is allowed if designed to minimize the impact, and Policy Z9.6 that related to protection of the ridgeline on the upper rock.

DOE would require the works to be subject to a license under the Nature Act and would also require the works to be screened for Appropriate Assessment. There would be a requirement for an ecological survey and that no construction is to be carried out during the breeding season. The Ministry for Heritage would require an archeological watching brief for any excavation works required.

DTP- In assessing the proposal it is recognised that this is an essential infrastructure project for

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aviation purposes and the view of TPBC is that the change and impact is going to be relatively minor. The process under the Appropriate Assessment procedures is ongoing and is in the hands of the DOE and this would ensure that there are no adverse environmental effects.

MESCE- his view was that there would no difficulty with the proposal providing that the assessment being undertaken is not negative and that the works are done carefully to ensure no negative impact on the natural environment or on any heritage structures on the site.

The Commission agreed that the comments received from departments would be passed on to the applicant.

Minor and Other Works- not within scope of delegated powers

(All applications within this section are recommended for approval unless otherwise stated).

168/21-F/16439/19G-RAF GIB, North and South Barriers, Winston Churchill Avenue -- Proposed installation of a new security fence line and vehicle gate to the existing North and South barriers to facilitate the closure of Winston Churchill Avenue following the opening of the new access tunnel.

JH- stated that this is a major development and asked if there was any further information to accompany the proposal for the construction of the fence line.

DTP- confirmed that this proposal would not come into operation until there is an alternative route for vehicles and pedestrians. DTP highlighted that the design provides for gates that respect the full width of the carriageway and that pedestrian gates are provided on both sides. Whilst there were no details on the final arrangements for pedestrians crossing the runway, the design would allow for this if necessary.

DTP- stated that this is a standard security fence and that the type of fencing had been approved by the Director of Civil Aviation and the GDP and that it has been approved on the basis that there will be other physical arrangements on the north and south sides of the runway that would prevent vehicles from being able to have an uninterrupted run up to the location of the fence.

The Commission would pass on any comments received from departments.

169/21 - F/17322/21G - Hall of Fame, Ragged Staff -- Proposed street art mural.

This application was approved.

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

NB: In most cases approvals will have been granted subject to conditions.

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- 170/21-F/16957/20** 245 Main Street -- Proposed change of use from shop (Class A1) to takeaway (Class A3).
Consideration of extract flue details.
- 171/21-F/17105/20** 201 Peninsular Heights, Harbour Views Road -- Proposed partial enclosure of terrace with glass curtain conservatory structure and build pergola.
Consideration of revised plans.
- 172/21-F/17129/20** 15 Rosia Steps -- Part retrospective application for a ground and first floor extension to property.
- 173/21-F/17192/20** Just Like Home Nursery and Preschool Carthy House, Varyl Begg Estate - Proposed construction of a single storey extension at the rear of the nursery to provide a classroom and the construction of a single storey extension to the side of the nursery for an office.
- 174/21-FB/17213/20** 4A Maida Vale, Engineer Road – Proposed replacement of stairs with a passenger lift
Consideration of request for relaxation of the Building Regulations.
- 175/21-O/17254/20** 2 Bella Vista Close -- Proposed widening of entrance to provide new access gate.
- 176/21-F/17265/20** 55 Prince Edwards Road -- Proposed extension and refurbishment of property.
- 177/21-F/17280/20** 57 Prince Edwards Road -- Proposed top floor extension and conversion works, minor alterations and refurbishment of premises.
- 178/21-F/17286/21** 238A Main Street -- Proposed changes to front facade of commercial unit.
Reconsideration of proposed cladding.
- 179/21-F/17295/21** Flat 2, 3 Scud Hill -- Proposed conversion works to roof terrace.
- 180/21-F/17298/21** Gardiner's View -- Proposed rendering and painting of building.
- 181/21-F/17308/21** Unit G5, Cornwall's Centre – Proposed change of use from Class A2 (office) to Class A1 (beauty salon), internal fit out of shop for a beauty salon with associated internal and external works.
- 182/21-F/17312/21** 2 Cormorant Wharf, Queensway -- Proposed installation of glass curtains and awning within existing terrace.

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- 183/21-F/17313/20** 1303 Europlaza, Block 1, Harbour Views Road -- Proposed replacement of existing windows to double glazed windows.
- 184/21-F/17321/21** 19 Rodgers Road 8/9 -- Proposed replacement of windows.
- 185/21-F/17326/21G** Demineralization Plant South Mole -- Proposed refurbishment of demineralization plant and store.
MOD Project
- 186/21-F/17327/21** 4 Willow Lodge, Montagu Gardens -- Proposed replacement of all shutters, windows and patio doors and associated internal alterations.
- 187/21-F/17328/21** Offices 2 and 3 Imperial Ocean Plaza, Ocean Village -- Proposed amalgamation of two offices into one.
- 188/21-F/17340/21** House 11, St Christopher's Court St Christopher's Alley -- Proposed replacement of rear garden access door from kitchen to be replaced with a window to match existing and relocation of door to front patio.
- 189/21-D/17315/21** 1 Engineer Lane – Proposed internal and external demolitions
- 190/21-A/17277/20G** Main Street by Post Office -- Proposed installation of banner to advertise 'Being With Trees' exhibition at the Gustavo Bacarisas Gallery.
GoG Project
- 191/21-T/17333/21G** Trafalgar Cemetery -- Proposed removal of dead wood and crown-clean of *Farxinus angustifolia*.
GoG Project
*This was a tree application, which was seeking to remove dead wood and to undertake a crown clean to a *Farxinus angustifolia*, which is the subject of a TPO due to its rarity, size and good form. It was considered that any dead and weak branches from the crown should be removed and to begin to allow the crown to redevelop and monitor regularly going forward, because further and ongoing work will be necessary.*
- 192/21-MA/16737/20** Europarking Europort Avenue -- Proposed mix use development comprising 366 residential units in three towers with associated retail and commercial space, vehicular access, car parking motorcycle and cycle parking amenity areas landscaping and public realm

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Consideration of minor amendment to increase the number of approved units from 337 to 339 and associated internal alteration partially reversing the previously approved minor amendment application (Ref. MA/16450/19).

Consideration of colour scheme for facades of buildings to discharge conditions 6 and 7 of Supplemental Planning Permit No. 6160 Rev D.

GM- questions with regards to the development and asked if there is a consideration of the colour scheme and façade and asked if the whole building are being changed

DTP- confirmed that the colour scheme is as proposed on the submission

193/21-MA/17289/21 4 Library Gardens -- Proposed refurbishment of house and construction of new roof and part storey extension.

Consideration of proposed Minor Amendments including:

- *Proposed changes to size and positioning of windows;*
- *Proposed removal of central chimney and retention and raising of chimney to the southern end of the roof;*
- *Proposed construction of shed at roof terrace level;*
- *Proposed installation of safety railings on roof terrace; and*
- *Proposed minor internal alterations.*
-

194/21- Any other business

There were no items raised.

Paul Naughton-Rumbo

Secretary to the

Development and Planning Commission