

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

### THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 9<sup>th</sup> Meeting of 2017 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 6<sup>th</sup> September 2017 at 9.30 am.

---

**Present:**

Mr P Origo (Chairman)  
(Town Planner)

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

The Hon. Dr John Cortes (MHEC)  
(Minister for Health, the Environment, Energy and Climate Change)

Mr Emil Hermida (EH)  
(Technical Services Department)

Mr G Matto (GM)  
(Technical Services Department)

Mrs C Montado (CAM)  
(Gibraltar Heritage Trust)

Mr Kevin De Los Santos (KDLS)  
(Land Property Services)

Dr Keith Bensusan  
(Gibraltar Ornithological & Natural History Society)

Mrs J Howitt (JH)  
(Environmental Safety Group)

Mr C Viagas

Mr Viv O'Reilly (VO)  
(Rep Commander British Forces, Gibraltar)

**In Attendance:**

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

Mr Chris Key (CK)  
(Assistant Town Planner)

Mr. Robert Borge  
(Minute Secretary)

## **Approved**

DPC meeting 09/17  
6<sup>th</sup> September 2017

### **Apologies:**

Mr H Montado  
(Chief Technical Officer)

## Approved

DPC meeting 09/17  
6<sup>th</sup> September 2017

### Approval of Minutes

#### 497/17 – Approval of Minutes of the 7<sup>th</sup> Meeting of 2017, held on July 13<sup>th</sup> 2017

The Commission approved the Minutes of the 7<sup>th</sup> DPC meeting of 2017 held on 13<sup>th</sup> July 2017.

### Major Developments

#### 498/17 – F/15031/17G – Lathbury Barracks – Proposed sports facility building with indoor Olympic sized swimming pool, athletics track and field as well as the construction of an underground two storey car park.

##### *Application and Environmental Statement*

DTP informed the Commission that Mr Chris Key would be reporting on this application.

CK presented Mr Stuart Divall, from Ramboll Limited, and Mr Alex Dobbs from AKS. Mr Divall would be presenting the Environmental Statement and Mr Dobbs would be presenting the brief for the Sports facilities.

Mr Dobbs explained to the Commission that the sports facility at the Lathbury Barracks parade grounds would include an 8 lane athletics running track and 50 metre Olympic size swimming pool. To the north of the site is the historic retrenchment block and to the east a redundant MOD assault course, now an area of natural vegetation, to the south an MOD shooting range and to the west the redundant band block to be incorporated into the site. The main building would be sunk into the retrenchment block. An entrance pavilion would be built on the west side. Underneath the main track and field there would be 1½ storey parking facilities. A running track would also be built around the proposed football pitch. The boundary wall shall be treated with embankment wall treatment and planted. Collapsible flood lights and netting would be incorporated around the football pitch.

The main building will be dug into the ground and kept lowest possible, minimising the visual impact of the building. Mr Dobbs also explained that there were plans to build an Upper Rock Visitors' Centre on the other side of the tunnel. This would incorporate parking facilities for use by visitors to the Upper Rock Nature Reserve. A walkway to be built around Devil's Bellow Tunnel for pedestrians would link the sports facility and the visitors' centre to and from Windmill Hill Road. Traffic lights would control access into and out of the area via Devil's Bellow Tunnel. Green areas and a green roof are included in the plans in order to promote the propagation of the natural vegetation typical to the area.

Entrance to the ground floor level would be on the west elevation and would be linked to the parking facilities, as well as providing access to the changing rooms. On the first floor there would be the swimming pool and associated facilities including a gym, lecture rooms and administration offices. The southern side would house the upper level parking. Mr Dobbs also explained that they would be incorporating intelligent solar shading, solar panels and photovoltaic panels and a green/brown planted roof. A video showing the different aspects of the proposed facility was shown to the Commission.

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

Mr Divall explained the environmental impact to the Commission. He firstly described the process they went through. He described the ecology of the site as low value but that it was in very close proximity to the Upper Rock Nature Reserve and would have some impact on the loss of habitat regarding Schedule 2 and 3 species. During the construction there would be sound and light disturbance. The east natural corridor would be maintained but invasive planting would be removed. He also described the location as a bat commuting route and their passage should be protected. The proposed sports facility could have some heritage impact as it is near the UNESCO heritage site. Mr Divall mentioned that during construction this project would generate some traffic but would be contained within the capacity of the site although a robust traffic management system was going to be required. During construction rubble would have to be disposed of adequately as agreed with the pertinent authorities. Dust created during construction would be mitigated to prevent any Air quality problems. Adequate dampening down of noise and vibration would mean that there would not be a significant impact when blasting. He added that once the facility was in operation an adequate PA system should be put in place to reduce noise from spectators. Waste should be collected daily as the site as it's a quite windy location. In summary there were several environmental issues but all of them could be dealt with adequately in consultation with the pertinent authority and in compliance with the relevant licenses.

The Chairman asked the Commission whether they had any questions for the applicants.

KB asked whether wind conditions at the site had been taken into account.

Mr Dobbs replied that they had and the edge wall would be 3 metres high to try and counteract this but unfortunately football and javelin events would not be able to be held when it was too windy.

KB also asked whether any suitable plants had been found for landscaping.

Mr Divall had replied that some plants had been identified but not assigned yet.

KB asked whether the underlying geology had been identified such as any caves.

Mr Divall replied that the facility had been designed in such a way that they were not planning on deep excavations.

Mr Dobbs added that the Harley Street Tunnels are a long way below and that any rock excavated would be recycled. He added that he expected to find some fissures in the proposed trenches to be made at rock level.

KB commented that they should aim to keep landscaped areas as natural as possible as every piece of habitat is important.

JH commented that the Lathbury Barracks area is a targeted site during the Clean Up Gibraltar campaign and was an outdoor amenity. JH asked about the proposed Visitors Centre.

MEHEC replied that they wished to take the opportunity to build better access to the Upper Rock and build a Visitors Centre with proper facilities.

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

JH asked what would happen with the excavated material.

Mr Dobbs replied that netting would be used and were still in discussions with the contractor on how to get rid of any excavated material.

DCM commended the designers for designing a facility that was sympathetic to the area and asked whether the band block would be used for parking.

Mr Dobbs replied that they had taken some parking spaces from different areas and would make provisions for MOD members to use the proposed parking facilities.

VO added that it would be a total of 60 spaces.

MEHEC commented that the developers should allow some space for some natural vegetation to develop and that they should look into installing a green wall, possibly using blocks of rock to allow vegetation natural to the area to grow there.

Mr Divall replied that they were looking to work with KB on landscaping.

Mr Dobbs added that they would first need approval from the Ministry of Defence.

The Chairman asked whether the 3 metre wall needed to be vertical because if it were angled then the rock and soil could accumulate and vegetation would grow creating its own habitat.

KB noted that the boundary wall was very close to MOD land.

Mr Dobbs replied that the MOD had given 4.5 metres.

CAM asked where the air conditioning plants would be located.

Mr Dobbs replied that they were still uncertain about the amount of units they would need, but they expected that they would be enclosed within louvered box screens at about the same height as the solar panels.

CV commented that he felt the design worked with the landscape but seeing as the wind can be quite aggressive in the area he reckoned the wall would not be effective. He asked when the site was expected to be used and whether in future there would be a need to build a taller wall.

Mr Dobbs replied that the football pitch would be used as a secondary site and unfortunately it was subject to weather conditions.

The Chairman mentioned that there did not seem to be any coach parking facilities on the site.

Mr Dobbs replied that small coaches would be bringing people to and from the facility but within the layout of the underground parking provisions could be made.

Mr Divall added that the idea was to minimise traffic at the site and there were space constraints.

Mr Dobbs commented that if need be it could be added but the small coaches may be used as a shuttle service.

## Approved

DPC meeting 09/17  
6<sup>th</sup> September 2017

JH asked how members of the public would get to events at the sports facility.

Mr Dobbs replied that traffic management and sustainability for any events could be dealt with by the event organiser.

DCM added that it would be similar as to when there are events held at St. Michael's Cave where shuttles transport members of the public to and from the Midtown car park.

CK reported that Town Planning was happy with the mitigation measures in terms of the environmental statement but further measures could be implemented as noted by the Department of Environment during consultation. In terms of the Ecology of the site there was an issue with fragmentation between the local habitats in the Upper Rock and Windmill Hill flats. The applicants should consider planting shrubbery and provide green bridges or underground passes for wildlife.

CK added that there didn't seem to be any significant effects on the UNESCO heritage site. The design of the facility was sympathetic and sensitive to the site but could blend in with the landscape further by finishing the façades in grey instead of white. Monitoring Stations should be installed to ensure that neighbouring residents are not affected by noise, dust and vibration. An adequate transport and traffic plan, as well as a waste management plan should be implemented, especially during construction. Both Technical Services Department and the Department of Environment Energy and Climate Change (DoEECC) need to be consulted so that all waste transfer may be assessed appropriately. The DoEECC recorded that they were satisfied with Environmental Impact Assessment.

CK commented that Town Planning felt that the design was sensitive to the area; the facility was a much needed amenity in Gibraltar and also retained the open view of the site, as well as its heritage and surroundings. He added that the running track could be in another colour other than red so that it may fit better into its surroundings. The underground parking was welcome but should ensure that construction does not impact on any uncovered archaeology, the applicants should work with the Gibraltar Heritage Trust and having a permanent archaeologist on site was recommended. He added that electrical charging points should be included in the parking scheme.

CK recommended approval of this application with recommendations that air conditioning plant details be submitted; planting to be of native species; all façade treatment to blend in with the natural rock colour, the submission of a landscaping plan, permeable surfaces for parking to be used, a noise management strategy to be adopted to ensure no exceedance of noise levels for children; traffic management plan for major events and the submission of details of walkway around Devil's Bellows Tunnel to also be submitted for approval. In respect of the EIA it is recommended that An Environmental Impact Assessment Certificate should be issued based on the mitigation measures described in the Environmental Statement and the other matters raised at this meeting.

KB noted that there was no mention of a geophysical aspect report.

JH added that waste should be removed daily as Lathbury Barracks is such an exposed area.

The Chairman asked the Commission whether they would also like to add these points to the

## Approved

DPC meeting 09/17  
6<sup>th</sup> September 2017

Town Planning report.

The Commission agreed with the above mentioned recommendations which should be communicated to Government and that the issuing of an EIA Certificate should be proceeded with.

### **499/17 – F/15043/17G – Europa Point – Proposed sports facility building and pitch for rugby, cricket, squash, and darts and for many other sports and performing arts.**

#### *Application and Environmental Statement*

Mr Stuart Divall, from Ramboll Limited, and Mr Alex Dobbs from AKS would also be presenting this application. Mr Dobbs explained that this sports facility would cater for cricket, rugby, squash, darts and other indoor/outdoor sports. The Heritage buildings structures in the area are to be kept, but the existing Cricket Pavilion and Shooting Club are to be demolished. The building is to be sunk into the ground by 4 metres. The Sports Hall would need a 10 metre ceiling height. Mr Dobbs proposed that the existing car parking spaces be retained with a possible limit on time as well as the use of a shuttle service. Entrances to the building would be at middle level of the building. An entrance for teams would be located opposite the University of Gibraltar. To the north of the building there would be dormitories for visiting teams as well as changing rooms toward the south. A smaller Sports Hall, as well as lecture/seminar rooms was also displayed. Mr Dobbs explained that on the lowest level of the building there would be a walkway along the sea wall as well as everyday changing rooms, squash courts, darts and gymnasium. On the upper level there would be a pitch, spectator's area, cricket club and a bar/restaurant. The Sports Hall would have permanent and semi-permanent seating and could also be used as a theatre and for concerts. Mr Dobbs added that they also proposed using the same retractable netting system as in the proposed Lathbury Barracks sports complex. The facility would not obscure Harding's Battery and would include the World War II pillbox into the site. The walkway along the defensive walls would also be enhanced. A green roof, as well as solar panels, similar to that proposed at Lathbury Barracks sports complex was also proposed for this site. The terrace would look onto the playing fields and the Strait of Gibraltar. He added that the parking spaces for Straits Views would be retained. A fly-by video was also shown for this proposal.

Mr Divall explained the environmental impact of this proposal to the Commission. He described the ecology of the area as being of low ecological value; it was close to the southern waters Special Area of Conservation and was an important migratory route for birds to and from Africa and Europe. He expected that there would be some disturbance during construction. Brightly coloured nets and lights would be used during construction. He explained that the facility was designed to be sympathetic with the surrounding buildings which are of heritage value and have the least amount of visual impact possible. Construction traffic would be contained within capacity. He expected there to be an accumulation of construction traffic seeing as both this project and the Lathbury Barracks sports complex project would be running at the same time so there would need to be careful traffic management between both. Mr Divall mentioned that unfortunately there would not be additional parking spaces created and measures to promote the

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

use of public transport should be implemented into the Sustainable Traffic Plan. He added that appropriate measures would be taken during construction to reduce the amount of dust created. In terms of noise and vibration, no blasting would be occurring at this site, so there would not be a significant amount of noise.

JH commented that there had been previous discussions about connecting this project to the foreshore but nothing had been mentioned.

Mr Dobbs replied that it had not been developed but they had positioned the buildings stair core to possibly develop access to the tunnels in future.

DCM commented that he found both projects to be impressive and had taken the location and heritage of both sites into account. He congratulated the designers for taking into account the issues that had been raised in relation to the previous proposals for a stadium at Europa and congratulated MSCHY for overseeing both projects. DCM also mentioned that he did not foresee any problems with increasing the frequency of buses if need be.

CV asked whether contractors were certified by independent sporting bodies to ensure that the sporting facilities met all the necessary requirements.

Mr Dobbs replied that all the sports facilities were approved by the sporting bodies.

CK reported that this proposal had also been subject to public participation and one representation was received from the Lighthouse cottages concerning the loss of the basketball and football pitches.

CK noted that comments received from the Department of Environment Energy and Climate Change (DoEECC) requiring the creation of a lawn pitch was not advisable due to the impracticality of having to maintain it. Heritage stated that an Archaeological Watching Brief should be undertaken as well as a Desk Based Assessment, prior to breaking any ground surfaces. CK stated that he considered the Sports Facility to be sensitively designed and that it would not have any significant impact on the UNESCO heritage site. CK expressed concerns over the lack of additional parking on site but the car parks at Camp Bay/ Little Bay could possibly be used for parking during major events. CK also considered that an adequate traffic and transport plan needed to be implemented to minimise any disruption to traffic. CK recommended the installation of air quality monitoring stations during construction as well as implementing a Waste Management Plan due to all the waste that construction would create.

CK noted in his assessment that the site was in poor condition and that the design of the Sports Facility was sensitive to the environment and heritage of the area, as well as keeping the open feel of the site. The green/brown roof and the photovoltaic panels proposed were welcomed but bat/swift boxes should also be incorporated. Although there were no details yet of air conditioning plants he recommended approval of this application subject to details been provided. The following matters were recommended as a response to the planning application and as conditions to the EIA Certificate:

1. Submission and screening of the details for air conditioning units.
2. The provision of brown roofs for native planting species to propagate.
3. The provision of bird nesting and bat boxes to be incorporated.



## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

4. A Desk based assessment with regards to archaeological watching brief.
5. Traffic management plan during major events to be provided in consultation with the pertinent authorities.

JH asked whether recommendations made concerning waste would be upheld.

The Chairman explained that the EIA Certificate could contain its environmental impact conditions but Town Planning recommendations were other different matters that the Commission members would have to propose in order for Government to take into consideration. The Chairman also added that accessibility audits should also be carried out for this kind of facility

The Commission agreed to make the recommendations as stated above and to approve the issue of an EIA Certificate with its relevant conditions.

A 20 minute break was held at 11:20. At this point MEHEC excused himself from the meeting due to illness.

### Other Developments

#### **500/17 - BA12509 - 2 & 3 Kavanagh's Court - Proposed demolition of existing derelict dwellings and construction of a 3 storey car park with additional residential apartments above.**

*Consideration of revised plans for a 4 duplex residential unit and full curtain glazing wall system to walkways.*

DTP informed the Commission on this revised application which had been previously considered at the last meeting. The applicant now proposed to add a fully glazed curtain façade to the front of the northern building, enclosing a lift and stair core. The applicant also wishes to enclose the walkway at the rear of the building and make some internal alterations. On the 2<sup>nd</sup> floor of the front elevation facing Prince Edward's Road the applicant wished to introduce a new balcony and dormer and enclose one of the terraces.

DTP mentioned that the Commission may want to consider 503/17 - F/14936/17 - 79 Prince Edward's Road together with this application as 79 Prince Edwards Road is directly in front of this property. In that Application the applicant wishes to raise the balcony wall in order to have more privacy.

DTP commented that Town Planning did not have any objections to the revised plans generally but that there were concerns with the introduction of the curtain glazing as it would introduce a strong vertical contemporary feature which would be at odds with the general character of the area and which would mean that the new building would not be assimilated into the townscape of the old town. DTP also expressed concerns on enclosing the balconies as it would bring them closer to the building in front.

CV commented that he felt it was reasonable to enclose the walkways at the rear of the building

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

and expressed that he liked the horizontal glazing.

CAM mentioned that she had no objection to covering the walkway either but found that the style of the curtain glazing would be quite jarring.

CV asked whether the differences in opinion were due to the glazing being horizontal or vertical.

DTP replied that Town Planning preferred to maintain the open character of the building as previously proposed as this helped in reducing the massing.

The Chairman asked the Commission to take a vote on whether they wished to keep the approved scheme or if they were in favour of the revised proposals.

The applicant informed the Commission that the reason behind the glazing and enclosing the open staircase was to protect the open common areas from the weather.

In view that there were differences of opinion as to the preferred style of glazing the Chairman requested the Commission to defer so that the Applicant can submit revised elevation treatment in relation to the curtain glazing. All other matters were approved.

### **501/17 – BA13549 – 7 Europa Pass Battery Europa Road – Alterations and refurbishment to existing house.**

*Consideration of revised plans for alterations to property including re-sited main entrance and associated carport works and retrospective consent for the installation of full height glazed balustrading at first floor terrace level on west facing facade.*

DTP reported on this application to re-site the main entrance to the property which is currently in the carport and to cover the internal light well. The applicant was also asking for retrospective permission for the retention of a glass balustrade which has been installed on the west elevation. There had been an agreed design for this estate which allowed for a parapet wall with a small glass balustrade above but the applicant had installed a full glass balustrade instead.

The estate's management company had been notified about the application but had not responded. DTP commented that the Commission had to consider two parts to this application; the re-siting of the entrance and the installation of the glass balustrade on the west elevation. DTP reported that Town Planning had no objection to re-siting the main entrance but had some concerns about the full glass balustrade as that was not the agreed design, and the intended uniform treatment to balconies would be lost and neighbours may now want to do the same.

The Chairman asked the Commission whether they had any objections to re-siting the main entrance, which the Commission unanimously approved. He then asked for views on the glass balustrade.

CV commented that the issue was that all the others were the same and this one would stand out.

The Chairman said that if this one was approved then others may follow suit.

Mr Gareth Jones, the applicant, informed the Commission that the reason for not following the

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

approved scheme was because the parapet wall would create a step which would cause issues concerning his children's safety. Mr Jones also stated the balcony wall was not structurally sound and would have to be rebuilt so the glass balustrade seemed like the better option.

The Chairman asked the Commission whether they would approve the already built glass balustrade.

CV commented that he felt it was a good technical solution even though Mr Jones should have applied before installing the glass balustrade.

DCM added that although he understood that approving this scheme when there already was an approved scheme in place could create problems, but he felt that this scheme looked better.

The Chairman informed the Commission that if they approved this scheme then others would be able to follow suit in future and residents would be allowed to have either of two approved schemes.

JH commented that she would be abstaining as there already was an approved scheme in place and it would not be good practice to deviate from this.

The Commission voted on this application:

In Favour: 1

Against: 3

Abstentions: 7

The Chairman stated that the application was refused on the basis that there was already an approved scheme which should have been adhered to.

### **502/17 - F/14867/17 - 11/13 Cumberland Road - Proposed redevelopment and conversion of building into 7 apartments and stores.**

DTP reported on this application to redevelop and convert 11/13 Cumberland Road into 7 apartments and stores. The building currently comprises a single dwelling and the applicant wishes to convert it into 7 different residential apartments. Storage units and a studio apartment will be located on the ground floor. Internal alterations will be made on the 1<sup>st</sup> and 2<sup>nd</sup> floors to accommodate the new residential units. There will be a new opening on the rear of the building covered by glass blocks to allow light to enter from an existing light well from the building adjacent. On the 3<sup>rd</sup> floor the existing open balcony will be enclosed converting it into a bay window. An extension over the 3<sup>rd</sup> floor over the existing roof terrace would also have a projecting bay window as per the other floors. A new balustrade will be installed around the perimeter of the roof terrace.

Objections were received from a neighbour objecting to the loss of light resulting from the construction of the new balconies. Counter representations were made by the applicant stating

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

that the windows would be at 45 degrees from their windows, constructed within the building's boundary lines. DTP reported that no objections were received from Land Property Services or Technical Services Department. Ministry for Infrastructure and Planning raised concerns on the conversion of the lock up garage on the ground floor into storage units as its loss of parking would add to the critical parking shortage in the area. Department of Environment Energy and Climate Change made standard recommendations to install Swift/Bat boxes. DTP described the impact of the alterations to the outside of the building as negligible. With respect of the loss of parking he also presented the Commission with two options: retaining the lock up garage and reducing the number of flats to 6 or using the lock up garage for motorcycle parking for residents.

The Chairman informed the Commission that they would have to consider relaxing the regulation of providing a parking space for each residence and whether they would want to retain the garage.

KB commented that there is a greater need in Gibraltar for apartments rather than parking.

EH added that in Gibraltar there is a need to encourage the use of public transport.

MSCHY stated that he would recommend 6 dwellings and the garage to be used for motorcycles as recommended by DTP.

The Chairman asked the Commission whether they agreed and the application was approved unanimously on the basis of retaining the existing garage for use as motorcycle parking and a consequent reduction in the number of apartments to 6 units.

### **503/17 - F/14936/17 - 79 Prince Edward's Road - Proposal to raise balcony wall to provide privacy to the occupants of the property.**

DTP informed the Commission on this application to raise the balcony wall at 79 Prince Edward's Road in order to provide further privacy due to the construction of dwellings under BA12509 at 2 & 3 Kavanagh's Court as previously mentioned. The new building at Kavanagh's Court wraps around the rear of the building at 79 Prince Edward's Road both on the east the east and south. Both existing roof terraces have a parapet wall with railings. In the case of the lower terrace it is proposed to raise the existing wall to 4.2 metres and in the upper terrace the wall would be raised to 2 metres. The fencing currently erected has been raised temporarily and would be removed. Photos and designs were shown.

Objections were received from the adjoin landlords and their representative, Mr Nick Culatto, was invited to address the Commission. He explained that he was objecting on the following three points:

1. There was no planning permission for the current fencing/hoarding erected.
2. Main windows of the living room of the apartment behind the terrace would not have any access to natural light.
3. The raising of the parapet wall would only prevent his clients from looking onto the roof terrace at 79 Prince Edward's Road, they would still have a loss of privacy from other apartments.

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

The Chairman commented that there seemed to be a failure from the architect to have built too close to the opposite property hence the overlooking problem being faced on each other.

DTP added to Mr Culatto stating that raising the height of the parapet wall would address some of the applicant's issues with privacy.

The Commission then invited Mr Eli Osborne, representing the applicants, in order to make counter representations.

Mr Osborne stated that:

1. He was surprised that the application BA12509 – 2 & 3 Kavanagh's Court was allowed to go ahead.
2. That the applicant could use the terraces and outhouse as they saw fit.
3. It was unacceptable to have someone overlooking onto their terrace.

CAM asked Mr Osborne whether the timber fencing was higher than what is in place at present.

Mr Osborne replied that the applicant was willing to compromise on the height but would rather not go any lower than what is in place and has applied to raise it higher.

GM commented that it didn't just seem to be a privacy issue but also a security issue as the building seemed to be so close someone could walk onto the terrace.

DTP reported that the main issue seemed to be the impact of raising the height of the wall onto the rear property and there would still be a loss of privacy from residents on the upper levels. He described extending the height to 4.2 metres would be a bit excessive and in order to address both issues it would be best to reduce the proposed height of the wall. As the upper terrace is not directly in front of a residential unit he did not have any objections to the proposed height which would be 2 metres in height.

CAM asked whether the wall could possibly be constructed using glass blocks.

GM commented that they could use translucent glass blocks to construct the wall and as the rear building would have a fixed glass window they could also use translucent, but not transparent glass, solving the issues both applicants have.

CV asked whether the objector would have to also use translucent glass as this would result in the resident not having a view.

The Chairman replied that he agreed with GM's suggestion as it would solve the issues both parties have and seemed to be fair on both of them.

This application was approved with the condition that they use translucent blocks or similar on the lower terrace, to the height of the railings the applicant currently has in place.

**504/17 – O/14939/17 – 4 Pitman's Alley – Proposed top floor extension to provide offices, with new lift and stairs within existing stairwell.**

## Approved

DPC meeting 09/17  
6<sup>th</sup> September 2017

DTP informed the Commission on this application to build an additional storey and make internal alterations at 4 Pitman's Alley. The applicant wishes to remove the current roofing and add an extension, retaining the open courtyard. Some of the new windows would be looking into Pitman's Alley and into a light well at the rear of the property. The new extension would have a flat roof terraced area with an access hatch. An internal lift will be incorporated with access to the whole building. The floor to ceiling heights will be lower on the extension in comparison to the other floors.

Objections were received from Mr Victor Borg who lives in Pitman's Court, adjacent to this building. Mr Borg was invited to approach the Commission and explained that he objected on the following grounds:

1. The windows for the new extension would be looking into his bathroom constituting a loss of privacy and light.
2. Encroachments onto the existing building could result in residents leaving.
3. Plans submitted were wrong as they did not show encroachments.
4. Due to Pitman's Alley being very narrow, construction of the extension would limit access to emergency services.

Objections were also received from Mr and Mrs Ramon Vasquez, who also resides at Pitman's Court, and was asked to address the Commission to explain their objections:

1. Their main concern was the issue of privacy as the window closest to their balcony would be within arm's reach and the new occupants would look onto their balcony and living room. The new window would be about 50 centimetres away from their balcony.
2. The above is also the case with the floor below but the downstairs neighbour used to own 4 Pitman's Alley.
3. As the plans were for the extension to hold an open area office there is no control over who will be there.

A further objector, Mr Alfred Vasquez, who also resides at Pitman's Court, also addressed the Commission with the following objections:

1. Mr Vasquez concurred with the previous objectors that there would be a lack of privacy.
2. Mr Vasquez claimed that in his opinion he did not believe that this application reflected the current 2009 Development Plan as he did not believe there was a requirement for more offices in Main Street since the construction of the World Trade Centre and the Midtown Development. He also claimed that Leanse Place is close to being empty and businesses were moving out of Main Street.
3. Due to the narrowness of the alley he claimed that delivery of construction goods would cause a lot of distress to residents as these may have to be delivered during the early hours to avoid causing difficult traffic situations later on in the day.
4. He added that he also represented a couple of companies and landlords and stated that there had been no consultation with residents concerning the construction of the extension as well as not knowing what effects it would have on their walls.

## Approved

DPC meeting 09/17

6<sup>th</sup> September 2017

The architect for this development, Mr John O'Reilly, was invited to address the Commission to make his counter-representations. Mr O'Reilly stated that he felt that he had tackled the privacy issue concerning the central courtyard as he was planning on setting back the elevation. Mr O'Reilly also mentioned that they had not issued Section 21 notice by mistake but had placed a Section 19 notice. He also stated that he appreciated that the objectors had an issue with privacy affecting their balconies but residents on other floors also had the same issue and the distance between the windows and the balcony entrance would be 4 feet. He added that he was willing to look into solutions, such as using translucent glass in order to avoid anyone being able to look into these balconies. Mr O'Reilly also said that his client was willing to mitigate any noise, dust and disturbance and would also be following all regulations. Mr O'Reilly also informed the Commission that he did not believe that the extension would take away any light from Mr Borg's windows.

The Chairman asked Mr O'Reilly why the applicant was interested in having more office space.

Mr O'Reilly explained that his client needed to expand his business and has already made numerous investments in improving the building. He also felt it was unfair to ask him to move somewhere else.

DTP reported that Department for Environment *Energy and Climate Change* (DoEECC) had made standard comments adding that the applicant should incorporate a green/brown roof and Swift/Bat boxes. He added that Technical Services Department objected to the proposed façade as it did not add any architectural value and should be more in keeping with the character of the building as it is a 19<sup>th</sup> Century townhouse. Comments from Heritage required that an archaeological watching brief should be carried out.

DTP stated that in principle there were no objections to the extension and welcomed the removal of the proposed stair core up to roof level and were now instead proposing an access hatch for roof maintenance. He added that the Commission would need to take a view on the proportion of the windows. DTP informed the Commission that the responsibility of any permits to be issued concerning construction and access to the site was not an issue for the Commission but for the relevant departments. The issue of abutting walls was not an issue for the Commission either; it is an issue for the landlords to agree. DTP recommended that the applicant should look into using obscure glazing and fixed windows on those windows closest to the Mr and Mrs Vasquez balcony. Concerning the Roof Terrace DTP recommended incorporating a Trellis in order to avoid overlooking. DTP recommended approval of this application subject to those recommendations.

CV commented that the window is too close to the balcony and there are other practical issues that could need to be considered, such as cleaning which would mean someone would be right by the balcony.

DCM asked whether there had been any discussion between the objectors and applicants.

Mr and Mrs Vasquez expressed that they were open to discussion and try to come to some agreement.

## Approved

DPC meeting 09/17  
6<sup>th</sup> September 2017

The Chairman commented that Mr O'Reilly has expressed that he wished to try and mitigate the issues raised by the objectors and supported Technical Services Department's that the character of the elevation should be re-considered even as far as possibly consider removing the windows closest to Pitman's Court. The same should be considered concerning Mr Borg's objections. The Chairman also stated that the planning process application could not continue unless the applicant and the objectors accommodated themselves concerning the abutting walls. The Chairman asked the Commission whether they approved this outline planning application with the condition that the applicant must redesign following the recommendations made. The Commission approved the application unanimously on this basis.

**505/17 - F/14958/17 - Ex-St Bernard's School, Castle Road - Proposed conversion from a school to a private retirement residence, club/public bar and general convenience store including alterations and extensions to building.**

This application was deferred at the request of the Applicant.

**506/17 - F/14968/17 - Emblema House, 11 Baker's Passage - Proposed construction of external lift shaft.**

DTP informed the Commission on this application to construct an external lift shaft for a 4 storey building.

EH excused himself from considering this application as his family had an interest.

The proposed development consisted of constructing a lift block to the 2<sup>nd</sup> and 3<sup>rd</sup> floors with a bridge connecting the lift to the apartments. The lift block would be constructed within a private gated patio. DTP reported that an external lift at 5c Library Ramp had been permitted on the front elevation and had been allowed because the location of the building meant the façade was not publicly visible. Although this type of development is not usually recommended due to the visual impact it may have, especially in the old town in this case as the property is hidden away from view approval was recommended.

CAM commented that the Heritage Trust objected to the application as it did not believe external lift shafts should not be encouraged within the old town and that an archaeological watching brief should also be undertaken.

The Commission voted on this application:

In Favour: 6

Against: 1

Abstentions: 3

The application was approved.

**507/17 - F/14979/17 - 68-70 Governors' Street - Proposed change-of-use from a hair salon to a nursery.**



## Approved

DPC meeting 09/17  
6<sup>th</sup> September 2017

DTP briefed the Commission on this application to make some internal alterations and change the use of 68-70 Governors' Street from a hairdressing salon to a nursery accommodating 16 children. The applicant will also be installing some railings to the newly constructed pavement outside the property for safety reasons. He explained that the applicant had confirmed that they will provide a pick-up/drop-off point at the southern end of the carpark alongside St. Andrew's Church.

Ms Brigitte Rodriguez, representing the applicant, was invited to address the Commission. She explained that the barriers will only be installed in front of her property, there will not be a need for parking as children will be dropped off at the pick-up/drop-off point and taken to the nursery by two employees. Ms Rodriguez also stated that any noise issues that the landlord had have already been addressed. Vents will be installed to extract air and there will be no air conditioning installed. She added that they also intended repainting the façade and that they had permission from Department of Education to open a nursery.

DTP reported that the Gibraltar Heritage Trust commented that the fenestrations should comply with the design guide; Technical Services Department required to see a design statement and further details on the pick-up/drop-off point; and Ministry for Infrastructure and Planning considered that the proposed use would have an unacceptable impact on traffic circulation in this highly tight and densely narrow thoroughfare.

DTP added that the location was situated on a secondary shopping street and policy dictates that retail activities should be retained; Although this application was not a retail use he did not feel there should be an objection to the change of use as the purpose of the policy was to avoid shopping areas becoming dead areas and the proposed use would be an activity generating use. He commented that there could be some congestion at the car park and that enforcement on the pick-up/drop-off point could be difficult. DTP further added that there were no objections to changes to the exterior but if front doors were to be changed they should be timber doors. DTP recommended approval of this application.

This application was approved unanimously by the Commission.

### **Minor Works - not within scope of delegated powers**

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

There were no applications under this section.

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

There were no applications under this section.

### **508/17 - Any other business.**

There was no other business.

### **509/17 - Next Meeting**

**Approved**

*DPC meeting 09/17  
6<sup>th</sup> September 2017*

The next meeting will be held on 28<sup>th</sup> September 2017.