

APPROVED

DPC meeting 2/13

24/01/13

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 2nd Meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 24th January 2013 at 09.30 am.

- Present:**
- Mr P Origo (Chairman)
(Town Planner)

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

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

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

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

 - Mr G Matto (GM)
(Senior Architect)

 - Mr C Viagas (CV)
(Heritage & Cultural Agency)

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

 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

 - Mr J Mason (JM)
(Rep Commander British Forces, Gibraltar)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Miss K Lima
(Minute Secretary (Ag))

Apologies: None

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Approval of Minutes

19/13 – Approval of Minutes of the 13th meeting of 2012 and 1st meeting of 2013, held on 13th December 2012 and 3rd January 2013.

The Chairman expressed apologies as the wrong draft minutes of the 13th meeting of 2012 held on 13th December 2012 had been circulated. He said that the best that could have been done was circulating the final draft prior to the meeting and asked the Commission to consider the amendments and vote on a Round Robin basis.

The minutes of the 1st meeting of 2013 held on 3rd January 2013 were approved by the Commission.

Major Developments

20/13 – BA12381 – Coach Park – Proposed residential development – GOG Project

DTP informed the Commission that the proposal is for a residential development comprising 328 apartments and 440 car parking spaces. The development will cover the whole footprint of the area and consists of 1, 2 and 3 bedroom apartments. There will be 6 blocks, of between 5 and 8 stories. The podium area will be landscaped and vehicular access to the development will be via the western end, with two pedestrian entrances from North Mole Road.

With regards to the sustainability of the project, DTP said that features will include rain water harvesting, solar hot water heating, energy efficient lighting and photovoltaic systems.

DTP confirmed that the relevant departments have been consulted. The Civil Aviation Authority has highlighted a minor infringement on the height of some of the blocks and requested that an aeronautical study be carried out.

From a Planning point of view, DTP said that it would be recommended that the architects look into creating an additional pedestrian access through the Eastern end of the development. DTP also recommended that the architects consider the possibility of linking the development with the Waterport Terraces promenade to allow pedestrian access to the promenade. DTP highlighted that no details as to the new location of the Coach Park have been provided.

JH also said that details on the future location of the Coach Park should be provided. She said that as a carer of elderly people in the area, she believes that the area is becoming overpopulated and that all open spaces are being lost. She highlighted the need for visitor parking in the area and asked that this be considered. JH said this development would increase energy demand highlighting the need from Government for an update on Gibraltar's long term energy plans.

DCM told the Commission that this project forms part of the Government Manifesto Commitment to accommodate all persons on the Housing waiting list on the day of the last general election. He said that this is the fifth housing scheme presented by Government. He

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confirmed that there will be 328 flats and 440 parking spaces, suggesting that perhaps some of the parking spaces could be reserved for visitors. DCM also confirmed that an alternative site for the Coach Park has been identified and will be announced in the future. He added that energy efficient features are included in the project.

KB said that confirmation that the extra parking spaces will not eventually be sold to residents would be reassuring.

MEH said that it is important to safeguard access for visitors. He also informed the Commission that energy use will be reduced significantly due to photovoltaic systems, low energy lighting and solar panels. He said that plans for this development highlight environmental progress.

In response to comments on whether the public would be excluded from accessing the development MEH confirmed that this would not be the case.

The Chairman highlighted that it is important that Government ensure that landscaping is not lost on the podium as has happened in the past in other estates due to bad design and water penetration into the underground areas and car parking. MEH said that this should not be a problem if it is designed properly.

The Chairman asked whether the apartments will be for rental or purchase. DCM confirmed that there will be a mix of rental and affordable housing.

GM referred to a prominent corner on the left side of one of the buildings facing the roundabout by Waterport Road. He asked that the architect look into softening this architectural feature.

The Commission welcomed the proposal and made the following recommendations:

1. Careful design of landscaping to ensure long-term survival;
2. Consider additional pedestrian access at eastern end;
3. Consider the possibility of a pedestrian link to the waterfront promenade at Waterport Terraces;
4. Review design of south-east corner of development;
5. Public should have unrestricted access to the development;
6. Adequate visitor parking to be provided;
7. Requirement for an aeronautical study.

Other Developments

21/13 – BA11259 – 1, 3, 5 Crutchett’s Ramp – Proposed partial demolition and redevelopment for mixed retail, office and residential use

DTP informed the Commission that this application has been withdrawn by the applicant as it is now intended to commence works.

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22/13 – BA12244 – Commonwealth Park – Proposed Public Park - Revision to provide for alternative vehicular access to Education Department

DTP explained that this is an amendment to initial Government plans previously presented to the Commission. He said that the Commission had previously approved the removal of a Tamarisk Tree to allow vehicular access to the Department of Education. DTP confirmed that the vehicular access arrangement has been approved by the Traffic Commission.

The Commission raised no objections.

23/13 – BA12268 – Flat F, Devil’s Gap – Proposed extension: revisions

DTP informed the Commission that Planning Permission for a side extension was granted in a previous meeting. However, since the applicant and his neighbour have not managed to come to an agreement with regards to west facing fenestration, the applicant has submitted a revised scheme with skylights instead of windows. DTP recommended approval.

The Commission approved the revised application.

24/13 – BA12326 – Albany House, Town Range – Outline Application for proposed demolition and redevelopment as residential with ground floor commercial units

DTP informed the Commission that the proposal is for the demolition of the existing building to allow for a residential development with commercial units on the ground floor. He said that Outline Planning Permission had previously been granted for similar schemes. The difference between previous schemes and this one is that this development will be slightly higher. DTP said that the proposal is to use a more traditional style of architecture on the lower floors but that the top two floors will be set back and a more contemporary approach will be used.

DTP informed the Commission that the application was subject to public participation and that four letters of representations were received. The following issues have been raised:

- Fire escape for Ellicott House;
- Erroneous level of adjacent building roof level in drawings;
- Structural issues relating to Ellicott House;
- Noise and dust inconvenience;
- Excessive height;
- Objection to windows on East/South boundaries – affect security, privacy and safety;
- 5th floor terrace – overhangs boundary, overlooking;
- Safety and access during construction;
- Loss in property value;
- Modern design of 4th and 5th floors, out of character;
- Lack of car parking provision and congestion during construction;
- Encroachment on wall of No 11 Town Range and infringement of rights on air and light in lease.

DTP also told the Commission that the Heritage Trust considers that the architectural style of the penthouses should follow a more traditional style. They also consider that the proposal is one floor too high.

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DTP referred to Planning recommendations as follows:

- The height of the proposed building should be limited to that previously approved and revised plans submitted
- The design of the penthouse facades be reviewed
- The architectural treatment of the east façade be improved
- The design to be amended to accommodate any legal requirements to maintain the existing fire escape route from the adjacent Ellicott House.

MEH agreed with DTP's recommendations He also highlighted that energy efficiency should be maintained in this development and said that this was also a good location for swift nests.

CAM agreed with recommendations on height and design of top floors.

The Commission approved the application subject to recommendations and the introduction of Swift nests.

25/13 – BA12336 6 Ashbourne Ramp, Buena Vista Estate – Proposed swimming pool and alterations to house

DTP informed the Commission that this application involved internal and external alterations, including the construction of a pool.

DTP said that the applicant is requesting to raise the level of the existing terrace. Their intention is to create a small external store in the garden area, a pool and deck area. They are also requesting permission to install a 2 metre high fence between their property and the adjacent one. The applicant also intends to change the windows of the property.

DTP told the Commission that the recommendation is to allow alterations which are in line with guidelines agreed by the DPC at a previous meeting. He said that there are concerns with allowing them to raise the terrace height by approximately 3 metres. DTP also raised concerns with allowing them to add a 1m fence to the wall by the road and said that the balustrades which the applicant is proposing to install on the rear boundary are not in keeping with what has been permitted elsewhere within the estate.

The Chairman suggested that the applicant should be required to plant trees on the north side to soften the appearance.

JC said that there needs to be control on what type of fences tenants are allowed to install. The Chairman suggested that it might be beneficial to present guidelines on this for approval.

The application was approved subject to reducing the levels at the rear and thereby reducing the boundary fence between the properties, not permitting a 1m fence to the north boundary wall, not permitting the proposed railings to the rear boundary wall but allowing fencing if so desired, requiring the removal of the top transom from the proposed windows and relocating/screening of air condition units.

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26/13 – BA12339-25/25A Naval Hospital Road – Proposed rear 3-storey extension and installation of lift

DTP informed the Commission that the proposal involves a 3-storey rear extension, with a rear terrace on the second floor. It also involves alterations to the frontage and the incorporation of a lift.

DTP said that the application was subject to Section 19 and no objections were received. The only issue raised was that it is uncertain whether the fire escape from Carter House will need to be retained.

JC confirmed that the applicants have only recently purchased the piece of land and that although they requested access to be for them only, Government has refused this.

GM asked whether clarification had been sought on whether Brympton has an escape route through here. JC said that this area has never served as access for Brympton.

The Chairman asked whether the Commission thought that the applicant should be asked to install traditional windows and shutters on the frontage. GM said that it does not seem as though the façade ever had traditional shutters and that in his opinion it would be best to not install these. The Commission concurred.

The application was approved by the Commission.

27/13 – BA12340 - Flat 2A, 138 Main Street – Proposed change of use of 2nd floor apartment to dental/medical clinic

DTP reminded the Commission of a previous application to refurbish the upper floors of this building for office use on 1st floor and residential on the remaining floors. He said that the current application had been subject to Section 19 and no objections were received.

DTP said that from a Planning point of view there would be objection to the change of use as it does not comply with Policy for the Old Town. He said that the change of use would only be allowed under special circumstances and these do not apply to this application. DTP recommended refusal.

MEH said that the DPC should recall policy and that this should generally be adhered to. However, he said that the request is not for the usual commercial activity in the city centre. He highlighted that there is another clinic on a Main Street but with no direct entrance through Main Street. However, MEH also said that he thought that it is important to ensure that Main Street in general retains its residential character. JH agreed with MEH.

The Chairman reminded the Commission that Policy is to not allow commercial use where housing is possible and that in this case the applicant had not presented any evidence suggesting that they have tried to find suitable occupants for the apartment for residential use. The Chairman suggested that it might be beneficial to ask the applicant to revert with information on what the rest of the property is being used for and recommended deferral.

The Commission agreed to defer this matter.

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28/13 – BA12341 - 140B Main Street – Proposed change of use from retail to take away (class A3) and proposed sign

DTP informed the Commission that this application involved a change of use and signage. He said that no objections have been received under Section 19. DTP told the Commission that cooking will only involve heating of pre-prepared food.

KB highlighted that the signage is already in place.

Some members of the Commission were also concerned at whether they had already been selling hot food if the establishment is already open. The Chairman confirmed that his department had been carrying out checks and that hot foods do not appear to have been sold.

JH asked whether independent assessments are carried out to ensure that the apartments above are not affected by obnoxious cooking smells. The Chairman confirmed that proposed use and conversion of the premises is assessed by the Department of Building Control to ensure that the building standards are adhered to and there are no nuisances caused. Should there be any smells whilst in operation the tenants could refer the matter to the Environmental Agency.

CAM asked whether their permit could restrict cooking to no frying. This was agreed.

KB said that he thought that the signage was out of character. The Commission agreed and the applicant would be required to reconsider the design.

The Commission approved the change of use from retail to take away (class A3).

29/13 – BA12347 – 25 Rosia Court, Rosia Road – Proposed loft conversion

DTP informed the Commission that similar applications have been received in the past. He said that the applicant is requesting permission to convert the roof space into a bedroom with windows on the West and East elevations of the property.

DTP told the Commission that in the past the policy was to allow windows but that a uniform approach had to be adopted. He said that this is the first application to add a window on the first floor (west elevation) due to internal room arrangements. DTP recommended that the Commission maintain what was granted previously to ensure uniformity; that is, only one roof window to be installed.

JC said that in his opinion, two windows on the first floor would look better. The Chairman concurred.

CAM said that she thought it was important to maintain uniformity.

JC suggested allowing two windows on the first floor from now on. CV asked how many alterations had already been allowed and said that this proposal is more attractive than what was previously allowed. DTP said that he thought that three have already been done.

The Commission approved this application.

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30/13 – BA12358 – Ground Floor Unit, 6 Irish Town – Proposed change of use from retail to office and refurbishment

DTP told the Commission that the application does not specify any particular office use. He said that this property is currently vacant. DTP said that the proposal involves the incorporation of a glazed entrance and ramp. He said that existing windows will also be replaced and shutters reintroduced. The openings on the side elevation will also be reopened as windows.

DTP recommended that the change of use only be allowed if it is limited to conversion to A2 use only.

The Chairman asked whether the proposal to include frosted glass on the frontage could be reconsidered as this is not necessary. CV said that he thought that this could not really be controlled.

GM suggested that the Commission should encourage symmetry of windows on the bottom and upper floors of the north elevation. This was agreed by the Commission.

CAM asked that as a condition, the current architectural features on the Irish Town façade should be retained, namely the iron fanlight

This application was approved by the Commission subject to the above requirements.

31/13 – BA12359 – 1 Ashbourne Ramp, Buena Vista Estate – Proposed internal alterations, alterations to fenestration and timber boundary fences to front and rear

DTP told the Commission that this application is similar to previous proposals but that some of the alterations are not compliant with the guidelines and had been carried out without permission. The proposal includes introducing a garage door to the carport, raising the level of the front garden and providing a fence around, replacement of windows on the west elevation and a fence to the rear boundary wall.

DTP informed the Commission that two windows which have already been installed on the rear façade are not compliant with guidelines and recommended that the DPC maintain its position with regards to fenestration. He said that there are no objections to the garage door and timber fencing to the rear. However, the raising of the front garden and its enclosure with fencing would adversely affect the open plan character of the estate and did not comply with the guidelines. DTP also said that the air-conditioning units should be screened and the satellite dish should be removed.

JC asked whether the applicant is enclosing the whole car port and said that if other neighbours opt to install a garage door, the doors should be uniform. DTP said that the car port is already enclosed and that only the door is being added.

JH requested details on the type of fencing material that will be used. The Chairman suggested making a survey of the different types of fencing that are already in place and choosing the

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preferred one as a guideline. DTP reminded the Commission that different types of timber fences might have already been approved.

The Commission approved the application subject to the windows being replaced to conform to the guidelines, the type of fencing to be specified, the air condition units to be screened and the satellite dish to be removed. The proposal to raise the level of the front garden and fence it was not approved.

32/13 – BA12362 – 5 Admiral’s Walk – Proposed change of use to include take away

DTP told the Commission that this is an existing situation which needs to be regularised. He said that this is a retail unit but that they also sell baked potatoes. The only cooking installation is an oven.

The application was approved by the Commission.

33/13 – BA12366 – Awes Control Room North Dispersal RAF – Proposed demolition of existing building – GOG Project

BA12367 – Balloon store North Dispersal RAF – Proposed demolition of existing building – GOG Project

BA12369 – Building 218, Armoury Building, Devil’s Tower Camp – Proposed demolition of existing building – GOG Project

DTP asked the Commission to consider the above-mentioned applications together. He said that no details have been provided on why demolition is necessary. He also said that the buildings do not have any heritage value.

MG said that demolition is necessary to facilitate the Land Airport 2004 Agreement, which involves the construction of and access to the airport.

The Commission had no objections.

34/13 – BA12372 – 2/2 Engineer Lane – Proposed change of use from office to dental clinic

DTP said that there were no Policy objections but that from a Planning point of view there is objection to the proposed signage.

MEH highlighted that x-ray equipment in these clinics should follow regulations and asked that the applicant be made aware of this by letter.

The Commission approved the change of use from office to dental clinic but refused approval of the proposed signage. Any signage should be limited to the ground floor beside the entrance.

35/13 – BA12393 – Devil’s Gap Path – Proposed refurbishment of path – GOG Project

DTP said that this proposal is for a similar refurbishment as was done at Mediterranean Steps. He said that works will include the installation of safety barriers, signs and benches.

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From a Planning point of view DTP said that this was a welcomed improvement. He said that the benches should be located carefully to ensure that they do not cause nuisance in respect of noise and litter control.

The Chairman said that an e-mail had been received from a neighbour of the area with recommendations. He said that he had passed this email to CV as project manager. CV confirmed that all items raised will be considered.

JH said that this area has been cleared by the ESG throughout the past few years, as it has been neglected. She said that this is a welcomed project and highlighted that maintenance is crucial. MEH agreed that this area has long been abandoned and that refurbishment is necessary. He said that maintenance will be carried out.

CAM suggested that it would be a good idea if the heritage features of the area could be enhanced. MEH concurred and said that interpretation should be provided on flora/fauna and heritage.

36/13 – Ref 1198 – 3 Convent Place – Proposed erection of banner to building façade

DTP told the Commission that the applicant's reason for erecting the banner is to mark the 300th anniversary of the Treaty of Utrecht and to demonstrate religious tolerance. DTP said that from a Planning perspective the banner is contrary to the usual Policy and should not be allowed. He said that the Jubilee banner was an exceptional case. He also recommended that the fixtures on the façade be removed.

JH suggested that perhaps another location would be more suited for this type of banner. KB said that perhaps organising an event would be more suitable.

MEH said that he did not object to the principle of having banners. He said that there are certain events and years for which banners can help visualise something important but that perhaps this is not the best time or location.

The Chairman replied to JM's question on whether there is normally something on this façade by confirming that there is usually nothing there except for the windows.

The Commission rejected this proposal.

Minor Works – not within scope of delegated powers

37/13 – Ref 1195 – 3a Rosia Parade – Proposed removal of Palm

The Commission approved this application.

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38/13 – BA12147 – Morrisons Supermarket, Westside Road – Proposed enclosure for use as garden centre

DTP informed the Commission that he has been trying to obtain a revised application from Morrisons Supermarket but none has been received. He said that the Commission had previously rejected the proposal to provide wire fencing as a means of enclosing the garden centre.

The Committee rejected the application.

39/13 – BA12284 – Prince Edward’s Road – Proposed installation of telecommunications cabinet

This application was deferred.

40/13 – BA12346 – Flat 4, 109 Main Street – Proposed amalgamation of 2 flats into one and internal refurbishment

This application was approved by the Commission.

41/13 – BA12357 – The Sails, Queensway Quay – Proposed external spiral staircase from 1st floor store to swimming pool

DTP told the Commission that an issue with regards to this application arose prior to the meeting. He said that objections were received from two residents claiming that they had not been notified under Section 21. DTP confirmed that copies of representations have been sent to the applicant. He suggested that this item should be deferred as legal advice might be necessary and to allow time for the applicant to respond.

This application was deferred.

42/13 – BA12361 – 11 Abecasis Passage – Proposed facade improvement, replacement of front door and garage door

The Commission approved this application.

43/13 – BA12376 – 12/1 Buena Vista Road – proposed replacement of windows

The Commission approved this application.

44/13 – BA12384 – 9/3 Lynch’s Lane – Proposed studio/workshop

The Commission approved this application.

45/13 – BA12386 – Penthouse 1201, Block 4, Europlaza – Construction of glazed enclosure to external balcony/terrace

The Commission approved this application.

Applications granted permission by sub-committee under delegated powers

46/13 – Ref1198/001/13 – Footbridge, Winston Churchill Avenue – Proposed banners on either side of bridge (Chess Tournament)

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

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47/13 – BA12310 – Moorish Castle Reception Office, Upper Rock – Proposed extension to existing reception/entrance office – GOG project (revised design)

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

48/13 – BA12343 – 3 St Christopher’s Court – Proposed internal alterations

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

49/13 – BA12356 – 4 Ellerton Ramp, Buena Vista Estate – Proposed internal and external alterations

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

50/13 – BA12374 – 713 Ocean heights, Montagu Place – Proposed reversion of one flat into two

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

Any Other Business

51/13 – Next Meeting

The Commission agreed to next meet on Tuesday 19th February at 09.30 am.

The Commission also noted that the meeting of 21st March has been rescheduled to 14th March.