

Approved  
DPC meeting 3/14  
18/3/14

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 3<sup>rd</sup> Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 18<sup>th</sup> March 2014 at 10.30 am.

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- Present:** Mr P Origo (Chairman)  
(*Town Planner*)
- The Hon Dr J Garcia (DCM)  
(*Deputy Chief Minister*)
- The Hon Dr J Cortes (MEH)  
(*Minister for Environment & Health*)
- Mr H Montado (HM)  
(*Technical Services Department*)
- Mr G Matto (GM)  
(*Technical Services Department*)
- Mrs C Montado (CAM)  
(*Gibraltar Heritage Trust*)
- Dr K Bensusan (KB)  
(*Gibraltar Ornithological & Natural History Society*)
- Mr J Collado (JC)  
(*Land Property Services Ltd*)
- Mr C Viagas (CV)  
(*Heritage & Cultural Agency*)
- Mrs J Howitt (JH)  
(*Environmental Safety Group*)
- Mr W Gavito (WG)  
(*Rep Commander British Forces, Gibraltar*)
- In Attendance:** Mr P Naughton-Rumbo (DTP)  
(*Deputy Town Planner*)
- Miss K Lima  
(*Minute Secretary*)
- Apologies:** Mr J Mason (JM)  
(*Rep Commander British Forces, Gibraltar*)

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**Approval of Minutes**

**105/14 – Approval of Minutes of the 2<sup>nd</sup> meeting of 2014 held on 25<sup>th</sup> February 2014**

The minutes of the 2<sup>nd</sup> meeting of 2014 held on 25<sup>th</sup> February 2014 were approved by the Commission.

**Matters Arising**

None.

**Major Developments**

**106/14 – BA12981 – Ex-Coach Park – Proposed housing development – HMGOG Project**

DTP reminded the Commission that outline planning permission was granted in January 2013 for the construction of 400 apartments in 6 blocks and 431 parking spaces. DTP informed the Commission that a commercial area has been included in the proposal which addresses the bland frontage which was of a concern at the previous meeting. DTP also referred to other concerns raised by members including the benefits of providing a pedestrian link between the new development and Waterport Terraces promenade, the site remaining accessible for the public and the provision of visitor parking. DTP confirmed that no provision has been made to date for the link between both housing estates; however, he said that it has been confirmed that the site will be accessible to the public and that visitor parking will be provided along the north boundary of the site.

DTP also said that adequate provision for servicing of the commercial area should be made by including loading/unloading bays outside the premises. With regards to the footpath linking both estates DTP said that he has been informed that it might not be possible to link the estate to Waterport Terraces promenade due to the Ferry Terminal area having to be closed to the public. However, DTP recommended that this is considered even if it means redesigning a section of the development. He said that there is an existing possible link by Albert Risso House.

JC said that HMGOG is considering another project for the Ferry Terminal and that security implications might have a major bearing on whether both estates can be connected. JC also said that development of the Ferry Terminal might also mean that part of the row designated for visitor parking might be lost.

It was also confirmed that the bin store at the entrance of the estate has been relocated nearer to the elderly residents block as requested by the Department of Environment.

MEH concurred with DTP recommendations on the footpath. He highlighted requirements of the Department of Environment on energy performance, renewable energy sources, and solar and low energy devices.

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DCM agreed on the issue of the footpath and welcomed the introduction of the commercial units, which he thought break up the hard concrete frontage.

The Chairman said that the landscaping design for the podium level should ensure that planters are reinforced and that there is no future water penetration into the garage, as has happened in other estates. The designer confirmed that this will be taken into consideration and that they have been in contact with both the supplier and KB on the matter of landscaping.

JC highlighted that once the houses are sold, there will be pressure from the residents on security and the estate being open to the public, as has been the case elsewhere.

The designer also confirmed that a few parking spaces will be provided for use by the commercial tenant and that a loading/unloading bay will be provided for services and customers.

DTP also told the Commission that aeronautical studies have been carried out and that subject to a few conditions, the Director of Civil Aviation is satisfied that the development meets requirements.

JH said that the layout of the development maximises the number of houses that can be constructed and asked whether shadow studies have been carried out given the proximity of the buildings. The designer confirmed that the buildings have been designed so that the corners of each building have views in two directions and all living room areas face outwards.

The Commission did not have any further recommendations.

### **Other Developments**

#### **107/14 – BA12880 – 3 Battery Close, Engineer’s Battery – Proposed change of use of garage to study/gym and replacement of garage door by glazed frontage**

DTP informed the Commission that the proposal is to extend the existing garage forward up to the alcove and convert it into a gymnasium with a fully glazed frontage. DTP said that this application was referred by the Subcommittee as they were concerned about the loss of the garage. He said that the applicant has confirmed that they have space for two vehicles on their driveway. No objections have been received from other residents.

The Commission approved this application.

#### **108/14 – BA12938 – 5 Castle Steps/ 7 & 9 Richardson’s Passage – Proposed refurbishment of existing derelict dwelling, roof top extension and conversion to 2 apartments**

DTP advised that the existing building is in a dilapidated condition. The proposal includes removal of the veranda on the west elevation and removal of later additions to the building. The veranda will be recreated in a contemporary style. DTP also said that the proposal is to create 2 apartments, with the entrance to the apartment on the upper floor from Castle Steps and the other from Richardson’s Passage. He said that a contemporary approach will be used but will follow the existing building’s proportions. DTP said that traditional materials such as timber will be

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used, as well as a lightweight roof structure. He said that this development will contribute to the regeneration of the upper town.

In terms of policy, DTP said that the Development Plan allows contemporary designs which are sympathetic to the area, massing, shape and height. He said that this development does follow the principles and that perhaps only the features on the top of the building, which may provide too much emphasis, could be reconsidered. From a planning point of view, DTP said that this proposal is in line with the Development Plan. DTP also advised that no objections have been received under Section 19 and comments received from the Department of Environment include requirements on energy performance of buildings and dust control during construction.

CAM said that the Heritage Trust usually follows a more conservative/restoration approach but that having been on site and seeing the principle of the project, they believe that it could contribute to the story of the town area. However, she said that the features on the gable end of the building should be retained. She also highlighted that the Trust would not like approval of this project to spur similar developments within the upper town.

CV concurred with CAM and said that he could accept this proposal because of its location as it is not easily seen from other areas. He said that it could have a positive effect on the townscape.

MEH said that he was conformable with the scheme and pleased to see proposals for the renewal of the urban landscape.

JH said that the proposal is a huge improvement on the existing building. However, she highlighted that the DPC is usually quite strict on these projects but that from discussions it seems that the Commission is relatively happy with the proposal. She agreed that the top features as well as the verandas should be softened. JH also said that allowing this proposal would set a precedent.

CAM said that it is important to understand the evolution of individual buildings. She said that seeing its current state and the fact that it is not visible from most locations, development is almost justifiable and can be accepted, with the condition that the gable end features are retained.

The Chairman asked whether new chimneys are being designed in view that the old ones will be removed. The architect confirmed that new chimneys are not being proposed but could be designed. The Chairman also asked whether the wooden verandas comply with building regulations. The architect said that they will be placing mesh on the inside of the verandas to make these compliant. The Chairman also said that swift nests should be included as an integral part of the design and the street name plaque on the building should be restored and maintained.

CV suggested that the water tanks should be used. MEH recommended that they are used to collect rain water.

The Commission approved this application subject to the features on the gable end being retained, softening of top features, swift nests, submission of chimney design or keeping the existing and restoration of the plaque.

**109/14 – BA12941 – 59/1 Devil’s Tower Road – Proposed conversion of single retail unit into 10 retail units**

DTP advised that the proposal is to convert the premises into 10 retail units. He said that there will be one retail unit with an entrance from Devil’s Tower Road and a single entrance leading to a corridor for access to 4 other units. There will be another entrance at the rear of the premises with a corridor accessing 5 more units. The front of the building will have unit signage, a shop front and two entrances. The rear will have signage and one entrance door.

DTP said that from a planning perspective there are concerns with the proposal as the layout is not appropriate and the increase in the number of commercial units in the area will lead to significant traffic congestion problems. He said that the area is more suited to workshops and industrial units.

The Chairman said that these units will not have any natural ventilation and will require air-conditioning and ventilation systems. He recommended refusal.

The Commission refused this application on the grounds of intensification of use resulting in traffic congestion, inappropriate layout for retail use and a design leading to consuming more energy for light and ventilation, and conflict of interest within a generally industrial area.

**110/14 – BA12946 – 56 City Mill Lane – Proposed demolition of building**

DTP told the Commission that the building is in a very dilapidated state and that he believes that an abatement notice has been issued.

CAM asked whether a reason for demolition has been provided and whether refurbishment has been considered.

The Chairman recommended deferring this application as more information should have been provided on why demolition is necessary and said that the building should have been inspected by the relevant authorities for their comments.

MEH said that the whole area should be discussed but that measures must be taken before an accident occurs.

The Commission deferred this application.

**111/14 – BA12947 – 17 Admiral’s Place – Proposed internal alterations and chimney flue**

DTP advised that this application had been referred by the sub-committee as they were concerned that the chimney flue will affect the roofscape of the complex. The chimney flue will be 1m above the roof itself and the pipe diameter will be 128mm. DTP said that there are no other requests for similar alterations within the complex but reminded the Commission that permission has been granted for skylights in the past but these were never installed because of restrictive lease conditions. DTP also told the Commission that the Management Company has advised that they cannot approve this proposal because of the restrictive lease conditions.

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The Chairman said that the true height of the flue should be confirmed by the Environmental Agency.

This application was approved in principle subject to further details and designs being submitted by the applicant.

**112/14 – BA12956 – 6 Highcliffe House, Europa Road – Proposed installation of glass curtains to balcony**

DTP advised that this application was referred by the sub-committee as it is the first application received for this development. He said that there are no objections subject to a frameless system being used.

The Commission approved the installation of frameless glass curtains.

**113/14 – BA12958 – North Gorge – Proposed electricity cable run up cliff face from North Gorge to Cheshire Ramp**

DTP said that a letter from the applicant was circulated to members prior to the meeting. He said that the proposal derives from the requirement to provide a substation for the Buena Vista development and the need to run a cable from the existing supply to the new substation. Three possible routes were considered and the most feasible according to Gibelec has been proposed. He also said that a gantry has also been proposed to allow access for Gibelec to carry out any future maintenance. The gantry will be hidden from view and screened as much as possible. It will not be attached to the historic wall and will only be attached to the rock face where necessary. DTP said that no objections have been received.

MEH highlighted that Department of Environment conditions must be adhered to.

JC said that the developer had been advised by himself and Mr M Gil that this option would not be viable because of the need for a gantry, which would be unsightly and had been informed that one of the other routes would be more appropriate. He said that if North Gorge is developed in the future, the gantry might become visible.

The Chairman said that his only concern is whether this may jeopardise future development of the North Gorge site.

DCM also raised concerns on whether it might affect any future development which is being considered for North Gorge. He said that it should not be visible.

CV suggested using a duct instead for maintenance.

DTP said that he did not consider that the gantry will prejudice future development unless the development extends right up to the cliff face.

DCM asked whether the applicant is the private developer. DTP said that the applicant is the developer but that the substation will service both the private development, Buena Vista Married Quarters and possibly future development at North Gorge.

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The Chairman said that Planning had not received comments from the Landlord or LPS suggesting that one of the other routes was more appropriate.

WG said that part of the other route suggested by JC would extend over the concrete cold store and might therefore, not be possible. DTP said that in their letter the developer suggests that it will be difficult to obtain permission for the other route and that works through that route would cause nuisance to Buena Vista married quarters.

GM questioned the need for a gantry. He said that a cherry picker could be used if future maintenance is required. The Chairman said that this would not be possible as access would not be directly above the cherry picker.

The Commission approved the cable and proposed route but refused the proposal for a gantry.

**114/14 – BA12964 – 4 Casemates House, Casemates Square – Proposed installation of external automated vending machine**

DTP told the Commission that the proposed vending machine will be vandal proof and will be available for use 24 hours a day. He said that there are planning concerns with setting a precedent and that perhaps it may be preferable for the machine to be set within the frontage of the shop rather than outside the shop. He said that he would not encourage this type of activity and recommended refusal.

The Commission refused this application.

**115/14 – BA12972 – Governor’s Cottage, Europa Road – Proposed construction of building to house motorcycle club – HMGOG Project**

DTP said that demolition of the existing building has already been approved. He said that the new building will have parking and a workshop on the ground floor and a social area with a terrace on the upper floor. The building will have a monopitch roof. DTP said that one palm tree has to be removed and recommended that 2 new trees are planted.

JH asked whether the new building would be visible from Europa Road. DTP said that it might be possible to see part of the building.

The Commission had no further comments.

**115/14 – BA12979 – Sunrise Motel, Devil’s Tower Road – Proposed addition of two extra storeys – HMGOG Project**

DTP informed the Commission that the proposal is to construct 2 extra storeys on the existing 2 storey building in order to increase the number of bedrooms and communal kitchen and bathroom facilities. He said that the same fenestration and treatment of the original building will be used.

DTP said that the Director of Civil Aviation requires confirmation that the development will not cause any glare to the control tower or approaching aircraft.

The Commission did not have any comments.

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**116/14 – BA12983 – King’s Chapel, Main Street – Proposed replacement of existing doors – MOD Project**

DTP advised that the proposal is to replace the glazed doors with solid timber doors. The Chairman said that in the past the Commission has recommended glazed doors so that people can see in and another solid door for security at night. He recommended having both.

CAM said that the Heritage Trust does not object to the proposal but believes it will look very solid and uninviting.

The Commission approved this application.

**117/14 – BA12984 – South Mole – Proposed containerised generators – MOD Project**

Due to security sensitivities this matter was discussed in private by the Commission.

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

**118/14 – BA12905 – Flat 2, 244 Main Street – Refurbishment and change of use of 1<sup>st</sup> floor from residential to office**

The Commission approved this application.

**Applications granted permission by sub-committee under delegated powers (For information only)**

**119/14 – BA11259 – 1, 3, 5 and 7 Crutchett’s Ramp – Creation of new doorway and colour scheme**

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

**120/14 – BA11331 – 11 Honeysuckle House, Waterport Terraces – Proposed internal alterations**

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

**121/14 – BA12939 – 3 Sandpits Views, Sandpits Road – Proposed enclosure of terrace**

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

**122/14 – Existing Gibraltar Airport Terminal – Proposed erection of LED advertising sign**

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

**123/14 – BA12962 – 1 Cedar Lodge, Montagu Gardens**

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

**124/14 – BA12968 – 3 Edward House, The Clifton’s – Proposed relocation of external door and internal partition**

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

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**125/14 – Ref 1198/004/14 – Southport Gates – Proposed interpretation signs – HMGOG Project**

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

**Any other business**

**126/14 – Kiosk opposite Watergardens**

JH asked whether permission was given for the flue which has been installed at the kiosk. She also referred to the terrace outside Paparazzi which has still not been removed as requested by the DPC.

The Chairman confirmed that permission has not been granted for the flue and that if both the flue and terrace are not removed, legal action will be taken. He said that under the Town Planning Act the Town Planners do not have the power to force removal until the tenant is legally convicted.

DCM said that the current procedure in these cases will be addressed in the new Act.

**127/14 – Next meeting**

The Commission agreed to next meeting on Friday 21<sup>st</sup> March at 3:30p.m.