

Approved
DPC meeting 4/14
21/3/14

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4th Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 21st March 2014 at 3:30pm.

- 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)

 - Mr C Perez (CP)
(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)

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

Mr J Mason (JM)
(*Rep Commander British Forces, Gibraltar*)

Matters Arising

None.

Major Developments

128/14 – BA12872 – Ex Royal Gibraltar Yacht Club – Proposed hotel and office development

DTP advised that as per the DPC's recommendations, a revised design has been submitted by the applicant. He also said that written objections received were circulated to the applicant and members prior to the meeting.

The Commission welcomed the architect Mr Manser.

Mr Manser said that the existence of the dry dock dictates to a large extent the developable area. He informed the Commission that alternative layouts of the site and position of the hotel were considered a few years ago and that the proposed layout was considered the most feasible. He said that buildings of different heights and widths were considered, as well as the possibility of having the hotel and offices in one building. However, he said that due to funding requirements the hotel and offices cannot be located within one building. Mr Manser also told the Commission that they looked at various hotels and other 1930s style buildings in Gibraltar, as well as attempting to link their design to 1930s ship designs. The Chairman interjected and asked "How can the Shard contain a mixed use and funding" and Mr Manser responded that their funding was from a single source. He said that it is also important to link the hotel to Gibraltar's port. Mr Manser also said that different elevation, room and lift treatments have been considered and that their aim is to create a stylish and distinct pair of buildings which will add to Gibraltar's landscape.

Mr Manser also referred to the three market studies which are being questioned and said that these were done to prove that there is a demand for 4 and 5 star hotels in Gibraltar. He said that these were funded by the client.

Mr Manser explained that following DPC's recommendations, the shape of the office building has been changed to an eye shape and has been moved further east. He said that by curving the building, the part nearest to Bow Wave House is now recessive. Mr Manser also told the Commission that the ground floor of the hotel has been squeezed east and pushed southwards. He said that the curve on the south end of the hotel has also been glazed. The roofscape has also been changed to an attic style which he said improves the visual from the old town area. He also

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said that in general the buildings are more aesthetic now and that the issues affecting Bow Wave House have been overcome.

JH asked whether a wind study has been carried out. Mr Manser said that this will be done as part of a more detailed planning application. He also said that he assumed this would be a condition of the permit.

CP asked what the roof area will be used for. Mr Manser said that the first level of the roof will partly be a terrace for the restaurant and partly a green planted roof. The upper roof space will house a spa, pool, health club, bar and executive club. He also said that the upper floor of the office building will be used as terraces for the top floor offices.

JH said that aesthetically the new office building design is softer but that it is still very tall. She said that the development plan for the area included an oval shape building possibly a school, which fit in well with its surroundings. She asked whether there has been an attempt to break down the office building as the harsh frontage is an issue. Mr Manser said that the reason for having this type of office building is due to demand as there is a shortage of offices in Gibraltar which have these dimensions. He said that if dimensions are reduced, they will not meet demand. He also said that the rounded edges, few materials and slightly repetitive design make this building a simple, well-shaped building with presence.

DTP advised that some Commission members met with the architect who explained to them why it is not possible to have only one building for both the hotel and the offices. DTP asked Mr Manser if he could explain this more fully for the benefits of all the members. Mr Manser confirmed that combining the two buildings is not possible due to funding requirements. He said that banks or funding institutions require that there are two leases and separate funding in case one of the projects fails.

HM asked Mr Manser whether outline planning permission is required before Marriott confirms their interest in this development. Mr Manser confirmed that Marriott is interested in the development but will only progress their scheme once outline planning has been approved.

The Chairman asked Mr Manser what is the shortest distance between the office building and Bow Wave House. Mr Manser said that it is approximately 19.5m but that this may increase once designs are finalised.

DCM asked whether the road to the North of the site will form part of the development. Mr Manser said that the road will be retained; the hotel's service bay and the exit from the underground car park will be off this road. However, he confirmed that the road will remain public.

The Commission did not have any further questions and thanked Mr Manser.

The Commission welcomed Mrs Tamsin Suarez on behalf of Mid Harbour Estate residents.

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Mrs Suarez said that she would like to see the results of the independent survey carried out to ascertain the need for the hotel. She questioned the results saying that according to HMGOG statistics, there has been 53% occupancy for the last 26 years. She said that with the Sunborn's 189 rooms, the number of rooms available has almost been doubled. She said that this will reduce room occupancy to a quarter and that tourism levels would have to double in order to fill up hotels. Mrs Suarez also highlighted that only 12 jobs created by the Sunborn Hotel have been given to locals and suggested that the same might occur with this development.

Mrs Suarez also referred to the sewage system and the fact that Queensway is prone to flooding. She said that this development will increase the pressure on the current system. She also said that Gibraltar experiences regular power cuts and that this development might also contribute to this.

Mrs Suarez questioned the need for the office block if the World Trade Centre will be built. She mentioned office space which has remained vacant in Gibraltar such as Europort. She said that the area would be better utilised as a school as the children living in the area are currently attending Sacred Heart School. She suggested that this increases time travel, traffic congestion and creates problems for families. Mrs Suarez also said that the new housing developments will mean further overcrowding in schools, stress on teachers and lower quality education.

Mrs Suarez also mentioned the issue of parking and said that the provision of more parking spaces is one of Government's manifesto commitments. She said that parking was going to be created in the Naval Ground area and the Commonwealth Park area but that this has proved unviable. Mrs Suarez said that most town residents do not have allocated parking and that on-street parking is limited. She also said that the construction of the new 700 berth marina will also mean that more people will be looking for parking in the area. She added that the bus service stops at 9pm so public transport is not always an option.

Mrs Suarez also said that Mid Harbours Estate was not designed properly; the podium is not utilised properly and there are no trees. She also said that if Bow Wave House would have been offset from the main road there would be less overlooking, traffic and pollution implications. She also said that the estate is already affected by some overshadowing from King's Wharf and that further overshadowing will increase the use of electricity, hence increase consumption and bills for residents. She also said that all of the windows of the flats on this side of Bow Wave House overlook onto the site and that there are no alternative windows. She said that the development will overlook homes, including children's bedrooms.

Mrs Suarez also told the Commission that the development will increase traffic, pollution and wind speed in the area. She told the Commission that in Bow Wave House there are young families with children, some of which have or are suffering from illnesses such as cancer and leukaemia. She said that the new development will affect their health and lives. Mrs Suarez also mentioned residents working in essential services who will be unable to rest between shifts if works are ongoing. She said that this development is against planning regulations designed to protect the community.

Mrs Suarez said that she felt that the designers have ignored the DPC's request for a redesign as the hotel building has not been changed and although the office block is now another shape, it is

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two floors higher than the previous. She also said that the stainless steel finish might reflect light into homes. She said that Gibraltar deserves an intelligent design and that the Commission should not be forced to accept this 50s style box-like structure. Mrs Suarez also commented on HMGOG's promise for greener designs in their manifesto and said that different uses are being mixed into one area. She said that Gibraltar needs a long term development plan and that Gibraltar cannot continue to reclaim land forever. Mrs Suarez questioned the point of having open DPC meetings if the electorates' wishes are not respected. She also claimed that she had been told that the development would go ahead despite their petition and campaign and said that she has been advised that the office block was already being advertised by a local estate agent.

The Commission did not have any questions and thanked Mrs Suarez.

The Commission welcomed another objector, Mrs Kwan who is a resident of King's Wharf.

Mrs Kwan told the Commission that Mrs Suarez had addressed most of the points which she was going to raise. She asked the Commission to refuse the project on the basis that it is the wrong location. She said that the area is heavily congested by traffic and that increasing congestion could create a potentially dangerous situation if emergency vehicles are affected by the traffic. She also supported the idea that a school should be constructed in the area as the population of the area is on the increase. She said that a school could then also be used by the community for sport and other activities. Mrs Kwan also told the Commission that the development will increase wastage and that problems experienced in other reclaimed areas such as Ocean Village might also occur in this area. She said that recently reclaimed land should not be dug up again. She also highlighted that there will be an increase in noise and air pollution. Mrs Kwan suggested that due to the hotel being in the wrong location, it will not attract worldwide clients and that the airport area would be more suitable. She requested that both HMGOG and the DPC consider this application carefully.

The Commission did not have any questions and thanked Mrs Kwan.

DTP summarised the main changes which have been effected in the new design. He said that the shape of the office building is now in the form of an eye and has been moved back from the west site boundary so that it is at a greater distance from Mid Harbours Estate. He said that the circulation core will be located in the centre of the building, therefore, there will be less overlooking onto the houses as the area closest to the estate will not be a working area. However, he said that the building is now two storeys higher in order to compensate for the reduction in floor space due to the change in shape. DTP also said that the ninth and tenth floors have been set back. With regards to the hotel building, DTP said that the ground floor has been pulled back to the east and a more sinuous frontage introduced at ground floor level. He said that the architects are still considering the roof treatments. DTP also advised the Commission that following the last DPC meeting in which various concerns were raised, a meeting was held between MEH, GM, CV, DTP and the architects to discuss the design.

DTP said that there will be some visual effect from this development. He said that at the previous meeting the general view was that the scale and massing proposed was acceptable. DTP recommended that a wind effect survey should be a condition if outline planning is approved. He

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said that there are still some concerns on the hotel design which if approved, would need to be discussed with the architect.

DTP advised that HMGOG had confirmed that they are looking at various options to provide a school in the area and that this site is not necessary for this. With regards to Mrs Suarez's claim that the area had originally been earmarked for a school, DTP said that the development plan identified the mid harbour reclamation area as a whole for mixed use including residential and a school. With reference to the scale model that had been constructed a number of years ago showing the general area and in which a school building was shown, DTP said that it was done as part of a larger private project and not part of the Development Plan. DTP also said that this is an urban area and that any development will have noise and pollution implications. He said that there will be some disruption during construction as there would be in any area, and that planning conditions can be imposed to minimise nuisances together with the fact that there are other statutory requirements aimed at minimising disruption during construction works. DTP also referred to the applicant's intention to implement a 'considerate contractor' scheme.

Overall, DTP welcomed the new design for the office building and said that the new design makes it more of a landmark building and creates a larger distance between the housing estate and the new development. DTP recommended the following conditions as part of any permission should the Commission approve this application:

- Improvements to hotel design
- Assessment of microclimate
- Revised shadowing study
- Landscaping scheme
- Proof of compliance with contractor scheme

DTP also said that the Commission should consider whether they wish to relax the car parking requirements as the number of spaces provided falls short of those required by regulations. He said that the Commission might want to consider that motorcycle and bicycle parking is being provided and that this is not required by regulations.

JH said that hotel occupancy is a real issue and that it would be useful to see the results of the independent study. JH also said that if funding is hampering the best possible design, perhaps other financing options should be considered. She said that the development should not be accepted if it is not in the best long term interest for Gibraltar.

DTP said that the applicant did provide a report on the independent study carried out on hotel occupancy, which was circulated to members. JH recalled seeing the study but questioned why it differs from Government statistics. DTP suggested that statistics might be lower as people are choosing not to use hotels in Gibraltar, perhaps because what they are looking for is not available.

DCM said that he takes a serious view on the suggestion that the developers are telling people that this is a foregone conclusion and said that if this is true, it should be addressed by the Commission. He said that the planning process has been changed and that even Government submits projects for DPC consideration. He said that this allegation is serious and would want further information if Mrs Suarez can provide it. DCM also said that the Commission is only

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considering outline planning at present and that both the present and past administrations had taken the view that this was a developable plot and that car parking was allowed only on a temporary basis. DCM said that he had concerns with the original scheme and that although the revised design is better, there are still further improvements which can be made. He also said that the project needs to be balanced with its surroundings in terms of future land use. He said that in the past the Commission has been keen on having taller buildings outside the city walls.

CAM said that high rise buildings outside the city walls, reduces pressure on the old town area. She also said that the exposure of the No 4 dock is a positive.

The Chairman said that in terms of future planning, with respect to the remarks expressed by Mrs Suarez, it is not easy to manage Gibraltar's requirements within 5 square miles. He said that in his 25 years working experience there have been three developments plans, all of which have undergone public participation. He said that reclamation was the solution to avoid demolition in the old town area. The Chairman also said that certain developments are controversial and necessary and that planning is taken very seriously. He highlighted that the Mid Harbour Estate development was never opened to public participation and that the town planners were not involved in the project. He also said that all development plans are tweaked to accommodate changes and that it is a document which has to be used as part of an evolving process.

MEH concurred with DCM on the seriousness of the allegations that people are saying that this project is a fait accompli. He also welcomed the open planning process. MEH said that he does not like King's Wharf for example but that if there was a need for it, he rather it is located where it is than elsewhere in Gibraltar. He said that Gibraltar is tight for space and that there is nowhere else where the hotel can be sited. He said it is necessary to consider the future needs for this type of hotel. MEH said that there will not be any negative effects on the natural environment as this is already a built up area and that it will be in the middle of what will be an extensive leisure area as HMGOG is planning to provide another park to the north of King's Bastion on part of the old Naval grounds. MEH also confirmed that HMGOG is looking at reviewing Gibraltar's schools as a whole. He also said that parking will be provided within the Naval Ground area. However, MEH said that he still has some concerns with this development and is not ready to support a full planning application. He said that he would require satisfaction that the sewage/services are being accounted for; that renewable energy will be top of the range; and proof of there being a construction management plan including control of dust during construction and time and traffic management.

The Commission took a vote on this application with the following result:

8 in favour

0 against

2 abstentions

The Commission approved outline planning permission for this application. The Chairman said that the planning conditions would be circulated to members before being issued and that if it was possible, he would try to present these at the next meeting.

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Any other business

129/14 – Next meeting

The Commission agreed to next meet on Thursday 27 March at 9:30am.