

# Approved

DPC meeting 5/20

17<sup>th</sup> July 2020

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 5<sup>th</sup> Meeting of 2020 of the Development and Planning Commission held remotely via video conferencing (due to Covid-19 pandemic) on 17 July 2020.

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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 (MESC)  
(Minister for Environment, Sustainability and Climate Change)

Mr Emil Hermida (EH)  
(Chief Technical Officer)

Mr G Matto (GM)  
(Technical Services Department)

Mrs C Montado (CAM)  
(Gibraltar Heritage Trust)

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

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

Mr C Viagas (CV)

Mrs J Howitt (JH)  
(Environmental Safety Group)

Mr M Cooper (MC)  
(Rep Commander British Forces, Gibraltar)

### In Attendance:

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

Mr R Borge  
(Minute Secretary)

### Apologies:

Mr Hector Montado  
(Chief Technical Officer)

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**234/20 – Approval of Minutes**

The Minutes of the 4<sup>th</sup> meeting of 2020 held on 18<sup>th</sup> June 2020 were approved.

**Matters Arising**

**235/20 - F/16087/19 – 73/77 – Prince Edward’s Road – Proposed refurbishment and alterations to property including the provision of parking at ground floor level.**

This applicant had previously applied in June 2019. The overall scheme had been approved with the exception of the proposed five parking bays that were not approved due to loss of on-street parking and affect on the appearance of the building’s ground floor façade. In December 2019 a second submission was received with a proposed footpath and rearrangement of the ground floor to provide 3 parking spaces. This proposal was not approved by the Commission.

In this third revision the ground floor remains largely unchanged with the space used for storage.. Five parking spaces are proposed under the terrace area to the north of the main building that would involve excavating the area below the terrace.

The following comments had been received from consultees:

- Technical Services Department (TSD) (Highways): No objection subject to sight lines being achieved.
- Department of Environment, Heritage and Climate Change (DoEHCC): Two active EVCP and 3 passive points would be required.

Further information had been sought from the applicant on how they would carry out the excavation works bearing in mind the nature of the site that included rock outcrops. The applicant acknowledged the importance of keeping the road open during works and was proposing to work from the top down. The exact methodology was still to be agreed following further investigative works.

DTP commented that the revised scheme avoided significant changes to the ground floor façade of the main building and avoided any loss of on-street parking. The revised scheme was recommended for approval subject to a Traffic Management Plan (TMP) being agreed.

EH expressed concern over what might be found behind wall but otherwise he had no objection.

CAM commented that it was great to keep the façade. She noted that last time she objected to proposed glazing around entranceway.

MEHEC asked what kind of treatment would be used along the carpark as he felt the rockscape was quaint and gave the property some character. He also said that the cavities in the wall may be used by Swifts. MEHEC noted that construction cannot be during nesting season and nests must be re-provided.

DCM asked that if the developer were to start from the top, what would happen if they cannot continue to the bottom or was too expensive.

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DTP replied that the developer would need to carry out investigations prior to any works. If the findings precluded carrying out the works in this way or meant changes were required to any part of the design then they would need to come back to DPC.

JH commented that at first sight the development looked ambitious as the property was on a narrow road. A TMP would be required and noted that she felt that some questions still needed to be answered.

EH expressed concerns on how the development was going to be constructed, especially without knowing the current state of the ground conditions.

The Chairman explained that exploratory works were required before given approval. Taking that into account the developer could also not carry out a Swift survey.

KB commented that it was very likely that Swifts were nesting in weep-holes along that street and that all weep-holes should be replaced. He asked whether the parking was being proposed by the applicant or was being imposed upon them.

DTP responded that parking was being proposed by the applicant and that the Commission could waive the normal parking requirements as it often does in tight sites within the old Town.

The Chairman asked the Commission whether they preferred exploratory works prior to approval.

KB explained that Swift breeding season was over and a survey should happen next week or wait until next year.

Applicant Steve Quinn (SQ) and Daniel Rios (DR) architect representing SQ were invited to join the meeting.

The Chairman asked how the excavation would be achieved

DR said they do not know what to expect and that if they could not complete the project as envisaged then they would need to revise the scheme. He also said the applicant is happy to install swift nests.

The Chairman asked the Commission whether they were minded to approve the application as recommended with conditions on Swift nests and exploratory works.

KB said he would vote against, as exploratory works should be carried out prior and would want retaining wall to be kept.

DTP mentioned that Town Planning had suggested that some motorcycle parking could be provided instead of car parking.

SQ explained that they were trying to create a luxury residence and parking is necessary.

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MEHEC commented that he was trying to hold back on providing parking which is against the trend. He mentioned that the applicant could make arrangements with other entities to provide parking elsewhere.

The Chairman asked the Commission granting permission waiving parking requirements.

The Commission unanimously approved the application without parking.

### Major Developments

#### **236/20 – F/16623/20 – 94 Devil’s Tower Road – Proposed construction of a two storey protective canopy with an adjoining ‘link tunnel’ providing pedestrian access from Devil’s Tower Road to the entrance of the inner rock tunnels.**

This application was for the construction of a protective two storey canopy with a link tunnel at the Wine Vaults on Devil’s Tower Road (DTR).

DTP summarised the previous applications for this site. Internal works were now largely completed and this application was for a revised scheme to the external area. This comprised a two storey canopy adjacent to DTR with a tunnel link to the entrance that is buried in an earth embankment. The canopy comprised a reinforced concrete roof with a planted rockfall cushion blanket. There would also be a reinforced concrete wall and gabion wall to the rear of abutting the proposed canopy. There would be two escape routes on east side and on the west side. Elevation cross section and drawings were shown. The building now has a sculptural form.

A break was held until 11:30 due to technical difficulties.

The meeting resumed at ????? (Robert)

The Chairman apologised for the technical difficulties experienced.

DTP continued explaining that the ground floor would now be functional and act as a drop-off zone. Access to tunnels would be on the first floor.

Regards highway matters the applicant put forward two options until new road arrangements were agreed with HMGOG. A delivery service road was also included in the plans.

The earth embankment would be planted with indigenous species and would also allow for natural self-seeding. The canopy roof would be an extensive green roof system with sedum and small grasses, ferns and herbaceous plants.

DTP reported that geotechnical assessments had been undertaken and that mitigation measures had been designed into the scheme for high rockfall areas. These included the protected tunnel with the earth embankment over, the reinforced canopy and catch fencing. Those parts of the site not covered by the embankment or canopy would have a sand cushion.

The following comments were received from consultees:

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- DoEHCC: Approved landscaping, recycling facilities to be determined and no works between February and June unless agreed by DOEHCC..
- World Heritage Organisation (WHO): Required an Archaeological Watching Brief (AWB)
- Gibraltar Heritage Trust (GHT): Also required an AWB.
- TSD: Satisfied with geotechnical measures proposed.
- Traffic Commission: New bus stop outside paving etc.

The developers for the adjacent E1 development had originally submitted objections but these had subsequently been withdrawn prior to the meeting.

DTP reported that this new building was smaller than had previously been approved. The new building would be a significant structure that would be highly visible once the new road was in place.

The canopy would be about 7 metres in height. DTP described that structure as dynamic with large perforations to allow natural light through. The embankment would be heavily landscaped. Tourists would arrive by minibus that would drop them off and then return later to pick them up. No parking was to be provided for visitors or employees. DTP commented that he welcomed the scheme overall. He recommended approval subject to appropriate provision of bicycle and motorcycle parking for employees.

KB advised that he would let vegetation to develop naturally over landscaping works. He asked whether rockfalls would have been modelled taking ricochets into account.

CV commented that he noted DOEHCC's standard requirement for no construction to be allowed between February and June, and that this would have the effect of pushing works into the winter months when there is greatest risk of rockfalls.

DTP explained that significant part was to be allowed to self-seed. He added that in relation to the question on rockfall ricochet that full geotechnical assessments had been carried out and submitted and that account had been taken of ricocheting off the embankment. A catchment fence would be in place. DTP noted CV's comment in relation to the DOEHCC's condition and that it tended to be a blanket condition but that DOEHCC could allow works during these months if it was not a major issue. It would therefore be a matter for the developer to discuss this with DOEHCC. DTP also reported that it was understood that the developer was looking to start construction within the next few months.

DCM agreed with CV's point concerning construction restrictions to be waived. He commented that this was an excellent project and was glad to see it coming to fruition. He added that it was important for Tourism and he did not have any issue with the safety measures to be implemented.

EH responded to KB's point concerning maintenance. He explained that a more natural rockfall protection was preferred. EH said that a lot of work on rockfall protection measures and ricochet onto DTR was not so much an issue. TSD was satisfied with the mitigation measures proposed.

MEHEC commented that he loved this project and the months for construction could be assessed. He added that nesting birds on cliff were no longer there, and as there would not be any windows on the rear there wasn't a need for maintenance. He suggested that Tamarisks could be planted and a Sedum roof due to windy conditions. He recommended the same treatment for the entire

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embankment and canopy rather than the proposed different treatments. If indigenous species were allowed to grow within their natural habitat there wouldn't be a need for maintenance.

The Chairman asked whether the Commission wanted to approve this application with conditions that construction to be agreed with DoEHCC, and minimal maintenance on roof for landscaping.

The Commission unanimously agreed with the Chairman's recommendation.

### Other Developments

#### 237/20 – F/16539/19 – 77 Main Street – Proposed conversion of loft space, extension and refurbishment of building.

This application was for the construction of an additional storey to an existing three storey building with pitched roof, and refurbishment of the building that was to be used for an office and residential. Minor internal alterations were to be carried out. The pitched roof would be removed to allow for the additional storey that would contain a one bedroom flat. The additional storey would continue with the current architectural style and fenestration. A terrace would be included with railings. Permission had previously been given in 2011 which expired in 2014.

The following comments were received from consultees:

- DoEHCC – Swift nests incorporated into the building and a bat and bird survey to be carried out.
- MoH & GHT Expressed concern with the general loss of pitched roofs in old town.

The application had been subject to public participation and no comments had been received.

DTP reported that this application followed planning policy and the design guide for the old town. He noted concerns from MoH and GHT and commented that these concerns should be discussed in detail when preparing the new Development Plan. DTP recommended approval with a condition on bat and bird Survey and nests to be incorporated

CAM noted that there was an increase in the loss of pitched roofs and should be included in new planning policy.

MEHEC commented that adjacent buildings should be included in the bat and bird survey as there was the danger of blocking nests due to the construction of the additional storey. MEHEC stated that nests should be incorporated into the design.

KB noted that Swift season is almost over.

JH asked whether there was any information on energy performance as stricter energy performance was now required due to the climate emergency declared by HMGOG.

DTP replied that DoEHCC always includes energy performance when they submit comments on applications.

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The Chairman asked if members were in agreement with approving the application as recommended by DTP with conditions on nests, survey and energy.

The Commission unanimously approved this application.

### **238/20 – F/16738/20 – 20 Line Wall Road – Proposed redevelopment of existing ex-petrol station and garage into Land rover and Jaguar SVO (special vehicle operation) car showroom.**

This application was for the redevelopment of the old petrol station on Line Wall Road (LWR) into a car sales showroom. The north end fronts onto Line Wall Road (LWR). A mezzanine was to be incorporated.

Some demolition was required in order to construct the showroom and offices. The building would be eight metres in height and would follow the existing form. The building would have dark grey cladding with glazing. On the ground floor there would be a reception and access to client meeting area. Elevations and plans were displayed.

The applicant was proposing a new footpath and a small realignment of the road. DTP explained that the applicant would have to reach an agreement with HMGOG as they had new plans for LWR.

The following comments were received from consultees:

MoH – AWB would be required.

MBTT – Two trees proposed at entrance should be low level planters instead.

This development would result in a loss of motorcycle spaces but HMGOG's new environmental proposal for LWR would have to be taken into consideration.

The application had been subject to public participation and no comments had been received.

This unit has been vacant for a long time and could now be brought back to beneficial use. The proposal also fit with the streetscape.

DTP recommended approval with conditions that footpath be no more than a metre wide and the final design would need to be agreed with HMGOG, an AWB be carried out, and low level planters should be used instead of the proposed trees.

JH commented that the Ministry of Business, Tourism and Transport had released ambitious plans for LWR and that this development may improve look of building but should follow intentional plan released by HMGOG. She added that even while part of the local economy, it was ironic to have a new showroom promoting cars, given the Government plans to take cars out of Linewall road – albeit not adding too pollution on site, but sending a mixed message.

MEHEC stated that this area would be a low traffic zone. He added that Swift nests should be integrated into the building. MEHEC asked whether the proposal respected the gap between the current building and city walls. The Chairman confirmed that the gap remains.

CAM added to MEHEC's comment relating to the city walls by explaining that loads on Zoca Flank should not happen as may be problems.

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The Chairman noted that a structural package was to be circulated.

DCM agreed that this proposal was better than a petrol station. He also noted that this was private land and planters would have to be within their demise. DCM also explained that consent would need to be given by HMGOG regarding the proposed footpath.

The Chairman asked the Commission whether they agreed to approve this application with conditions on structural, landlord approval, highways and swift nests.

The Commission unanimously approved this application as recommended by the Chairman.

**239/20 – F/16774/20 – Europarking, Europort Avenue – Proposed construction of a single storey bin collection point.**

This application was for the construction of a single storey bin collection point in a recessed area at the rear of Eurotowers 1 and 2. This recessed area is between a service road between Eurotowers and Eurocity. This bin collection point would be for the use of the Eurocity development. It was only to be used as a collection point and not a refuse store.

Eurocity will have four bin stores under each of towers. The developers had discussed with DoEHCC, in order to establish the most effective way to collect rubbish for the three developments. DTP explained that the intention was for the bin store to be managed by Eurocity management and they would be responsible to take refuse by a certain time. This site is well concealed and accessible.

Two parking spaces would be lost by constructing this bin collection point. Parking space allocations were tight when previously discussed. Applicant had looked at various sites and this was the most viable. Of the sales of apartments so far there has been less than 100% take up on parking spaces. Previously there were to be 366 apartments but now only 355 apartments would be constructed. There was now a shortfall of five parking spaces.

DTP explained that this collection point would have a minimal visual impact and was well located on the agreed refuse route. He added that it would have been preferable for the facility to have been within the Eurocity site itself. He accepted the applicant's justifications on balance and this site was being limited for collection only. Management plan on how collection point will be operated should be submitted.

The Chairman agreed that this route will be used by pedestrians and will not affect thoroughfare.

JH commented that bins were pulled out daily and asked whether there were separate arrangements for recycling bins.

DTP replied that he was not sure on arrangements concerning recycle bins. He added that a discussion with DoEHCC should be had on the most effective method to be used.

JH responded that recycling should be part of an integral plan.

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GM noted that bins are placed on kerb side of Europort Avenue and he was afraid collection will continue on Europort Avenue.

DTP commented that the proposal is what has been agreed and approved with DoEHCC for collection which would be from this point.

GM commented that then thoroughfare would allow vehicular access.

The Chairman noted that this was only for refuse collection.

The Commission approved this application unanimously.

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

#### **240/20 - D/16559/19 - Governor's Lookout, Upper Rock - Proposed demolition of outhouse and roof of lookout.**

This application was for the demolition of two separate buildings, a searchlight battery and a single storey structure located within a depression. The searchlight battery only involved the demolition of the roof that was in a dangerous state. The proposal for the other structure involved the demolition of the roof and the remainder of the structure would be buried. The area would be levelled and used for archery. A separate application would be presented to the Commission in future. This application was urgent due to dangerous condition.

MEHEC explained that the searchlight was to be restored. He confirmed that the second building would be infilled and the proposed archery range would come in separate application.

CAM commented that a survey had been done and logged. The architecture would be preserved through record.

The Commission approved the application.

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

#### **241/20 - F/15372/18 - 117 Main Street - Proposed modifications to approved planning application F/14880/17.**

*Consideration of 'As Built Drawings' in respect of final location of air conditioning units at roof level.*

#### **242/20 - F/15493/18 - Unit 4.0.4 Eurotowers - Proposed alterations and conversion of commercial premises and store to food premises; store and toilets.**

*Consideration of pergola details to discharge Condition 3 of Planning Permit No. 6794B.*

#### **243/20 - F/16165/19 - 46 Turnbull's Lane - Proposed refurbishment of restaurant.**

*Consideration of request to place tables and chairs in front of unit.*

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244/20 – F/16510/19 – 20 Engineer Lane – Proposed installation of an awning above the shop front.

245/20 – F/16648/20 – 29-31 Governor’s Street – Proposed internal and external alterations including extended second floor extended over terrace and full façade refurbishment.

246/20 – F/16700/20 – Flat 5, 3 George’s Lane – Proposed partial enclosure of roof terrace to provide extension to apartment.

247/20 – F/16782/20 – Unit 1.22 Madison, Midtown, Queensway – Proposed alterations to convert unit into a delicatessen.

248/20 – F/16822/20G – 2 Kensington House, Laguna Estate – Proposed internal alterations to existing flat and conversion to residential care facility.

### GoG Application

249/20 – F/16829/20 – 144 Main Street – Proposed removal of asbestos roof finish and replacement with new roof covering system.

250/20 – F/16834/20 – 1 Clifftop House, Windmill Hill Road – Proposed conversion of ground floor storeroom into study including minor external works.

251/20 – F/16837/20 – Unit 1.00 Providence, Midtown – Proposed fit-out and conversion of vacant commercial unit into medical clinic.

252/20 – F/16839/20 – 345 Water Gardens – Proposed extension, conversion and minor alterations to penthouse apartment.

253/20 – F/16844/20 – 302 Europlaza, Harbour Views Road – Proposed replacement of windows.

254/20 – F/16845/20G – Horse Barrack Lane, adjacent to main entrance archway to Horse Barrack Court – Proposed construction of a meter cabinet and manhole.

### GoG Application

255/20 – F/16864/20 – 5 Tuckey’s Lane – Proposed placing of tables and chairs in front of unit in line with Covid-19 social distancing measures.

256/20 – F/16881/20G – 9A Catalan Bay Road – Proposed changes to existing boundary wall, construction of new boundary walls and aggregate storage bins.

### GoG Application

257/20 – F/16900/20 – Dolphin House, 23 Cumberland Road – Proposed balcony refurbishment.

258/20 – F/16776/20 – Unit G15 Europa Business Centre, Queensway – Proposed installation of shop signage.

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**259/20 – A/16880/20 – 9 Convent Place – Proposed installation of shop sign and projecting sign.**

**260/20 – A/16890/20G – Devil’s Tower Road – Proposed directional signs for emergency service vehicles to rendezvous points required to be in compliance with aviation regulations.**

### **MOD Project**

**261/20 – T/16632/20G – Garrison Library, and Governor’s Parade – Proposed pollarding and/or removal and replacement of Citrus x aurantium (Bitter Orange) if the tree continues to deteriorate.**

#### *GoG Application*

*This tree application sought to pollard and/or remove a Citrus x aurantium of Orange of moderate size that is almost dead and will not recover if remedial action is not taken. The tree will most likely die, but it is worth taking action to see if it will recover before it is replaced. It was considered that the tree should be pollarded to see whether the tree puts on new growth, however if it continues to deteriorate, the tree should be removed and replaced with two x Citrus x aurantium.*

**262/20 – N/16865/20G – Main Street, close to Tax Office steps – Proposed pollarding of a Robinia Pseudacacia.**

#### *GoG Application*

*This tree application sought to pollard a Robinia Pseudacacia with a strong lean over the adjacent heavily used pavement and road, which is not of particularly good form and has been previously pollarded. It was considered that the tree should be managed and pollarded at regular intervals to ensure that it never poses a safety hazard.*

**263/20 – N/16886/20G – Outside Domino’s Pizza, Landport, Casemates Square – Proposed cleaning of crown, removal of all dead branches and removal of crossed branches from Ulmas minor.**

#### *GoG Application*

*This tree application sought to assess an Ulmas minor following a branch falling from it. Following the assessment of this tall and fairly tree located in a prominent position alongside a footpath and directly above a restaurant seating area it was found that it had some dead branches in the crown and also a number of crossed branches. It was considered that the tree should be retained, the crown should be cleaned and the dead and crossed branches should be removed. The tree should also be maintained regularly to ensure that it is safe.*

**264/20 – N/16899/20G – 31/4 Scud Hill – Proposed removal of dead fronds from a Washingtonia Robusta.**

#### *GoG Application*

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This tree application sought to assess an old and very tall *Washingtonia Robusta* of good form but in a poorly condition with something affecting its crown (potentially a Palm Weevil infection) which is causing a hazard as the old tree fronds hang over a private garden. It was considered that the dead fronds should be removed and the tree should be monitored. If the tree has been infected, treatment for the Red Palm Weevil should be applied.

### **265/20 – MA/16821/20 – Unit 8, 40 Engineer Lane – Proposed conversion of a single three bed apartment into two x 1 bedroom units.**

Consideration of the proposed Minor Amendment:

- Redistribution of layout to create a studio and a two bedroom apartment instead of two x 1 bedroom units.

### **267/20 – MA/16846/20 – Unit 17B, 1 Casemates Square – Proposed change of use from glass factory to bank offices.**

Consideration of the proposed Minor Amendment including:

- Use of an area of floor space of the rear courtyard for the installation of a generator and HVAC; and
- Carry out works to roof of rear extension.

### **268/20 – P/006/20 – The Cornwall's Centre – Consideration of painting options for The Cornwall's Centre**

### **269/20 – Any other business.**

JH raised the issue of works at the Western end of runway that had caused disturbance to local residents. After discussion with relevant departments she had been told that the noisy works would be short-lived and that thereafter works would be quieter. However, complaints were still being received..

JH said that apparently these works had been assessed as part of the Environmental statement (ES) for the tunnel but that this document was not a public document and asked that it should be made public. She further stated that modern assessments should have been undertaken including impacts on people.,

DTP commented that all ESs are public documents but that this one precedes the introduction of the E-Planning system so was not available online. However, it was available for inspection at our offices.

JH stated that people have become used to easier access to documents but that she would arrange to ill come in to view the document

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The Chairman as Head of Department said that he would try to arrange to have the document scanned if ppracticable otherwise arrangements would be made for JH to view come in and view the document.

The Chairman thanked everyone and apologized again for the technical problems experienced this morning.