

## Approved

DPC meeting 2/19  
11<sup>th</sup> February 2019

### THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 2<sup>nd</sup> Meeting of 2019 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 11<sup>th</sup> February 2019 at 2.30 pm.

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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 (MEHEC)  
*(Minister for Education, Health, the Environment, Energy and Climate Change)*

Mr H Montado (HM)  
*(Chief Technical Officer)*

Dr Keith Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*

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

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

Mr C Viagas (CV)

Mrs Janet Howitt (JH)  
*(Environmental Safety Group)*

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

**In Attendance:**

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

Mr. Robert Borge  
*(Minute Secretary)*

**Apologies:**

Mr G Matto (GM)  
*(Technical Services Department)*

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### 44/19 - Approval of Minutes

The Minutes for the 12<sup>th</sup> meeting held on 12<sup>th</sup> December 2018 and the Minutes for the 1<sup>st</sup> meeting held on 15<sup>th</sup> January 2019 (with amendments proposed by JH) were approved.

### Major Developments

**45/19 - F/15949/18G - Hassan Centenary Terraces, Ex-Eastern Beach Public Car Park - Proposed construction of six apartment blocks of varying height, providing 665 affordable residential units, with 2 levels of covered car parking providing approximately 700 car parking spaces and 250 motorcycle parking spaces, including a seaside promenade, cycle lanes and road.**

Mr Robert Matto (RM) from WRSM Architects was invited to address the Commission on this development. He explained that over 18 months and following the Design Brief submitted by Government they had designed this development which would provide 665 high quality affordable residential apartments.

There would also be 700 car parking spaces and space for 250 Motorcycles over 2 levels of covered parking beneath the podium. A public sea side promenade and cycle lanes would surround most of the perimeter of this development which was part of Government's plan to provide affordable housing. The site for this development is in the Northern District and the east end of Devil's Tower Road (DTR). This development would be highly visible on entry into Gibraltar from Spain. The site is in close proximity to the North Face of the Rock which allows for construction of tall buildings; RM explained that at this point the OLS allows for buildings up to 90 metres tall.

The Design Brief asked for a balanced mix of apartment types aimed at local residents. RM described the architecture as catalyst for future developments and that it should be seen as a new city district for Gibraltar.

The development would consist of 4 towers of varying height and two 'L' shaped blocks which would be constructed to the south of the towers. The 4 towers would be slender; minimising the footprint on the ground and allowing air and views between them. RM explained that the form of the towers took into account the wind conditions in the area following a Wind Study, report of which had been provided. The Promenade will provide 2-way traffic, cycle lanes and will be tree lined. RM explained that the low level façade would have landscaping and possibly green walls. He further explained that there were still some design considerations to be determined, namely façade finishes, turbulence study and sustainability measures to be implemented. RM mentioned that construction would hopefully start this year. The podium's design also needed to be finalised as accessibility, public playground and hard landscaping was still being considered.

Design concepts, site plans and a video were displayed for members to see.

The Chairman asked RM whether the use of wind, solar energy, rain harvesting and landscaping had been included in the design.

RM replied that they were still looking into it and had allowed areas for these and would be submitting further details once this project had been awarded to a contractor.

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MEHEC commented that this scheme was a challenging one and that they should bear in mind that landscaping next to the sea would be difficult as some species would not survive in that area.

RM responded that landscaping consultants had still not been appointed and that all matters will be taken into account.

KB seconded MEHEC's comments adding that the trees shown in the video would not grow there.

JH remarked that the shading concerned her after having a look at the Sun and Wind Studies. The Summer Study showed the podium in the shade and felt that there were some contradictions. The amount of wind that could affect the site would affect the liveability and enjoyment of the area.

The Chairman added that they should consider more enclosed spaces on the podium to avoid the area being windblown and its use uncomfortable as occurs on the podium at Beach View Terraces.

RM replied that they had been advised to include screens and semi-enclosed and enclosed structures at podium level to make better use of open spaces.

JH asked what forms of renewable energy would be included within the scheme.

RM replied that they did not have any details yet but renewable energy would most certainly be integrated into the scheme.

JH remarked that these details were asked from private developers and as such should have been included within this application.

CV noted that the scheme was commendable but felt the designers had missed an opportunity by not incorporating commercial areas on the ground floor at the seafront.

RM replied that these would most likely be incorporated and that this development should not be looked at in isolation.

JH commented that this development had a large footprint and although development on this site was expected it was a major departure from previous proposals. In 2015 the Bluewater project had been launched and the view of the Rock was protected. This development would affect the view of the Rock and JH felt this was disappointing.

CAM asked what scope was there for any future changes and tweaks to be made and include any mitigation measures.

RM replied that he did not feel he was in a position to comment on any future tweaks to the scheme but the number of apartments was sacrosanct. He added that WRSM were willing to incorporate any changes requested by Government and there was room for manoeuvre and that the finished project may not look as presented.

The Chairman remarked whether RM meant that the design may need to change depending on the Wind/Sun Study.

RM replied that they still needed to work further on the Ground and Podium levels.

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The Chairman reiterated that they should consider that there may be a micro-climate, such as occurs at Beach View Terraces.

RM responded that balconies were further enclosed and there were slight nuances in the façade to mitigate any wind tunnel effects.

The Chairman asked whether they would allow for cars heading south exiting the garage onto the new road along the most eastern point of the garage to allow for better circulation of traffic and avoid circulating and traffic congestion at the proposed Eastern Beach and new Tunnel roundabouts. The garage and parking layout within should allow for this to be possible before spaces are allocated to dwellings and the new garage wall designed with a new vehicular opening. It will be beneficial especially during the summer season.

RM replied that they may need to lose 2 parking spaces but that it could be allowed.

Dr Caroline Jacobs (DCJ) of Jacobs was asked to address the Commission on the Environmental Impact Assessment (EIA) she had carried out concerning this development. DCJ referred to the Environmental Statement for the Eastside Project prepared in 2006/2007 which was the starting point.

This EIA took into account the Environment, Heritage (UNESCO), Climate Study, and Environmental Management during construction, marine environment and birds. It had been broken up as follows:

**Landscape and Visual Impact:** Once constructed this development would have a visual impact. It would have a moderate effect from a short distance between 1 kilometre and 3 kilometres. The development would have a neutral effect from further than 3 kilometres.

**Heritage (UNESCO):** This development sits outside the UNESCO site but would have a direct impact on the site and area around it.

**Micro-climate:** Would create some discomfort for pedestrians on the podium, particularly effects from the wind.

**Birds:** There was no need for appropriate studies on the habitat and no significant impact was found.

**Marine:** There would not be any significant effects on the marine environment. Spain had contested this in the past and the EU had agreed that there would not be any effects on the marine environment.

DCJ explained that this site now had a smaller footprint than in 2006/2007 and would not have any effect on hydrodynamics. She added that coastal protections would need to be strengthened and in the case of a residential area they would need to be designed to withstand a 1 in 200 year storm event.

JH asked whether the quality and stability of the soil taking into account the height and scale of the development had been taken into consideration.

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DCJ replied that Golders Ltd had carried out geotechnical studies and would be submitting a report.

JH also mentioned that the storm drain on site was an issue and would be compounded by this development.

DCJ agreed that there was overflow storm drain in the area.

JH added that the quality can sometimes be suspect as confirmed by the Environmental Agency and the culvert needed to be looked into.

DCJ replied that it was only discharging immediately after rainfall and the extension to the culvert and coastal defences needed to be finished at the same time.

MEHEC added that no discharges would be allowed into the sea.

CAM asked whether the coastal works and spoil heap had been included within the EIA and whether the spoil heap would be cleared.

DCJ replied that the EIA on the coastal works had started and should be completed within the next 2 to 3 months but that her company had not been contracted to undertake an EIA for the removal of the spoil heap. She had been assured that the spoil heap would be removed.

The Chairman mentioned that in the EIA, DCJ referred to the spoil heap which would have a cumulative effect.

DCJ replied that she believed the spoil heap will have been cleared by the time that this development is completed.

JH noted that DCJ describes Eastern Beach as a small popular beach but clarified that it is in fact Gibraltar's largest beach and is used by thousands of residents during the summer. JH felt that it was not an adequate inclusion in the EIA.

KB read out the following statement on behalf of the 3 NGO's represented at the Commission:

The ESG, Heritage Trust and GONHS would like to issue a joint statement on planning issues that the Hassan Centenary Terraces have flagged up with regard to Government projects.

These have arisen from our joint concerns on the impacts of the Hassan Centenary Terraces on their immediate surroundings and landscape, but also on the process that has been followed.

Our organisations are not against sensible development, and we are certainly in favour of new homes for those who need them. But we also have a duty to speak out when those aspects of Gibraltar that we are expected to defend the interests of – the natural and built environment, our heritage and well-being - are compromised.

We have submitted detailed feedback on this project when requested and have expressed deep concerns to the Government. In particular, we held a lengthy meeting with the Chief Minister and are grateful for the generous time that we are given.

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Nevertheless, we were aware that Hassan Centenary Terraces are going to press ahead in this scale unchanged, due to the pressure of providing affordable housing.

We therefore find it necessary to air our concerns:

- This is a major departure from the previous Bluewater project for this entire area, where a holistic plan had been drawn up after extensive consultation and heights were 2.5 times lower than those proposed today.
- The scale of these buildings, so close to the north face of the Rock and to the beach, will have a negative visual impact on our iconic landscape.
- Such tall buildings will create a precedent for the remaining, major plot awaiting development on the east side, creating a kind of Benidorm effect.
- There has been a lack of timely consultation when compared to the previous, and indeed many private projects, without time to properly address concerns in terms of timescales for feedback and whether any meaningful changes can be made in response to adverse effects identified in the Landscape and Visual Assessment or EIA.
- The timing of three EIAs required for building construction, coastal works and removal of the spoil mound, and the synergy between these, appears to be suboptimal.
- The impact on beach users has not been assessed adequately.
- There is an urgent need for a holistic plan for Gibraltar that values our iconic vistas and protects them effectively – an issue pursued jointly by our NGOs over the last few years.
- That, difficult though it may be, a more effective means of assessing Gibraltar's affordable housing needs appears to be necessary, including improving management of existing affordable housing and governmental rental stock. An evidence-based and impartial approach will surely improve land-use.

DPC has improved greatly in its transparency, but Government projects are still not subjected to a vote. Thus, this project is presented today to this Commission for comment, but not permission. This has to change.

We recognise that Government intends to subject its projects to the full planning process in due course, via the new Town Planning Act. But we urge the Government to do so straight away. We also ask that the new Gibraltar Development Plan be produced as a matter of highest priority, integrating the need to protect the iconic vistas that define this Rock and its community.

Urban development is an important facet of our economy, and Gibraltarians need homes. Crucially, one of our most important assets – land for development – is also one of our most scarce. We believe that this can only be managed effectively with as robust as possible a planning process and development plan. One that is capable of scrutinising all projects equally.

The Chairman thanked KB and then asked DTP to provide the planning report.

DTP reported that the Commission had two decisions to consider. They needed to consider the application for an EIA Certificate under Town Planning Act (EIA) Regulation 2000, Regulation 16 (1), and secondly, to offer Town Planning recommendations and guidance to Government.

DTP explained that in 2008 a mixed use development masterplan was submitted for this site named Sovereign Bay. Subsequently, in 2015 a mixed use development named Bluewater was

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announced but an application was never submitted.

DTP added that the closer you got to this development the greater the visual impact. Due to the scale of this development there weren't any mitigation measures that could be implemented. The towers would also have an effect on shade, winter being the season where there would be the largest effect. This development would also have a minor but indirect impact on the UNESCO World Heritage Site. An Archaeological Watching Brief would be required and the existence of 2 World War II bunkers should be recognised and not damaged during construction. DTP also mentioned that there was the possibility that there would be effects on the micro-climate due to wind.

DTP mentioned that there were 3 local businesses which had objected (copies circulated) and were located adjacent to the site, who require access to their premises during construction. One of these businesses was seeking to be relocated elsewhere. HMGOG was committed to address these businesses.

DTP reported that a holistic plan was required for the eastside site as a whole and advised that a masterplan should be developed for the remainder of the site. He expected that the design would be further improved adding that Town Planning Department would like to be consulted during this process.

DTP noted that overall this scheme did not read as a single development in design terms with part of the development comprising elegant elliptical blocks whilst the remaining 2 blocks would have an entirely different form which adopted more of an L-shaped form. He reported that a Landscape and Visual Impact Assessment and Heritage Impact Assessment had been carried out. DTP commented that further consideration could be given to the vertical elements of the buildings to try and further reduce the massing. He commented that an appropriate colourscheme needs to be agreed that would integrate the development into its surroundings but did express some concern with the wholesale use of the WHO recommended colour palette which comprised two shades of grey as if this was applied to the entire development it could have the opposite effect. Strident and garish colour schemes should be avoided.

In relation to the microclimate assessment he reported that the proposed mitigation measure of planting 10 metre tall trees on the podium may well not be viable. DTP recommended that alternative design solutions are considered to address the wind effects such as canopies, other structures and other forms of planting on the podium. The proposed promenade was a welcome idea but DTP recommended that the width of the promenade be increased so that bicycle lanes could be on the promenade instead of on the road.

DTP described the EIA as detailed and complete and recommended the granting of the EIA Certificate with the mitigation measures set out in the ES subject to:  
Further consideration of the vertical elements of the buildings; to agree the final colourscheme with Town Planning and relevant stakeholders; consider alternative design solutions to address the wind issues; preparation of a Construction Management Plan.

DTP suggested that the following recommendations be made:

1. that a Masterplan should be prepared for the remainder of the area;
2. Reconsideration of the form of blocks 5 and 6 so as to read as a whole;
3. Detailed proposals for podium level to be agreed with Town Planning/stakeholders;
4. Final road layout, cycle lanes, vehicular entrances to be agreed;

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5. Final car park layout including disabled spaces, cycle spaces and EVCPs to be agreed;
6. Sustainability and renewable energy details to be submitted;
7. Detailed landscaping plan to be agreed;
8. Detailed illumination scheme to be agreed;
9. Noise management plan to be submitted;
10. Construction Traffic Management Plan, waste management and dust plans;
11. Predictive EPC;
12. The Port Authority had concerns whether there would be direct access to the sea for residents and if so this should be discussed beforehand.
13. Protective measures for the WWII bunkers to be agreed;
14. Archaeological watching brief; and,
15. Appropriate screening of air condition units

The Chairman asked the Commission whether they wished to accept the Recommendations comments made and whether they should grant the EIA Certificate.

JH replied that there seemed to be many unknowns and changes that still needed to be made.

The Chairman explained that any changes to the scheme would be presented to Town Planning in a similar way as happens with other projects elements these would be presented to the Commission for their consideration. Any changes to that would affect the EIA process would also be presented to the Commission and members would be given an opportunity to comment.

The Commission agreed unanimously with the Chairman's proposal.

### **Other Developments**

None

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

None

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

#### **46/19 - F/14862/17 - 13B Ocean Village Promenade - Proposed fit-out of commercial premises as a micro-brewery/restaurant.**

*Consideration external signage to discharge planning Condition 4 of Planning Permit No. 6081.*

#### **47/19 - F/15057/17 - 190/192 Main Street - Proposed refurbishment and fit-out of commercial premises.**

*Consideration of revised vinyl to be placed in shopfront window to discharge Condition 4 of Planning Permit No. 6215A.*

#### **48/19 - F/15261/17 - 914 Seashell House, Beach View Terraces - Proposed installation of glass curtains.**

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**49/19 – F/15548/18 – 3 Willis' Passage – Proposed extension and refurbishment works to building.**

*Consideration of proposed roof tiles to discharge Condition 3 of Planning Permit No. 6658A.*

**50/19 – F/15738/18 – 17-21 Cannon Lane – Proposed refurbishment and alterations to existing premises including change of use of upper floors from office to residential use and construction of an additional floor.**

*Consideration of revised plans to enable fire escape through front of building and amend Condition 1 of Planning Permit No. 6824A.*

**51/19 – F/15796/18 – 3 Convent Place – Proposed extension to existing second floor, replacement of all windows to aluminium double-glazed windows and doors to match existing, installation of new external decking on roof terrace level, extension to first floor internal light well with skylights and associated internal alterations to office building.**

*Consideration of revised plans for roof profile of extension and details of roof tiles.*

**52/19 – F/15835/18 – 6 Ellerton Ramp, Buena Vista Estate – Proposed conversion works to basement area and new swimming pool.**

**53/19 – F/15921/18 – 31A Halifax Road – Proposed change of use from workshop and store to retail.**

**54/19 – F/15933/18 – 18 George's Lane – Proposed extension to building at roof terrace level.**

**55/19 – F/15935/18 – Level 1, Apartment 2, 217 Main Street – Proposed internal alterations.**

**56/19 – F/15936/18 – Level 1, Apartment 1, 7 Bishop Rapallo's Ramp – Proposed internal alterations.**

**57/19 – F/15937/18 – Level 3, Apartment 3, 7 Bishop Rapallo's Ramp – Proposed internal alterations.**

**58/19 – F/15941/18 – 84/90 Main Street – Proposed new main street entrance with former entrance openings changed to new window displays.**

**59/19 – F/15942/18 – Unit 1, Water Gate House, 2 Casemates Square – Proposed replacement of external enclosure to seating area.**

**60/19 – F/15944/18 – 36/9 Turnbull's Lane – Proposed internal alterations.**

**61/19 – F/15946/18 – 516 Water Gardens, Waterport Wharf – Proposed internal alterations.**

**62/19 – F/15948/18 – 22 St Peters Close, Sir Herbert Miles Road – Proposed installation of glass curtains.**

**63/19 – F/15951/18 – 13/3 Gardiner's Road – Retrospective application for the change of use**

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of a storeroom to a studio apartment.

64/19 – F/15955/18 – 1-3 Irish Place, Irish Town – Proposed internal alterations.

65/19 – F/15956/18 – 104/106 Irish Town – Proposed conversion of ground floor unit into new Coviran convenience store.

66/19 – F/15958/18 – Unit 15, Dutch Magazine – Retrospective application for the construction of a shed.

67/19 – F/15959/18 – 212/216 Main Street – Proposed refurbishment/fit-out of commercial premises.

68/19 – F/15962/18 – 901 Ocean Spa Plaza, Glacis Road – Proposed internal alterations.

69/19 – F/15965/18 – 3 Mediterranean Terrace – Proposed internal alterations and enhancement of elevations including reinstatement of shutters, original sash windows and reinstatement of historic verandas and access stairs.

70/19 – F/15968/18 – 1-2/3 Shakery's Passage – Proposed subdivision of apartment into two studios.

71/19 – F/15969/18 – Unit 1.02 World Trade Centre – Proposed internal alterations.

72/19 – F/15970/18 – 1 Bridgetown Court, Harbour Views – Proposed internal alterations.

73/19 – F/15971/18 – Ground floor, Atlantic Suites Building – Proposed fit out of cafeteria and signage.

74/19 – F/15975/18 – Flat 4, 12 Tuckey's Lane – Proposed internal alterations.

75/19 – F/15976/18 – 13/8 College Lane – Proposed internal alterations.

76/19 – F/15982/19 – 614 Cumberland Terraces, Cumberland Road – Retrospective application for internal alterations.

77/19 – F/15983/19 – Unit G21-G22 I.C.C., 2A Main Street – Proposed internal alterations.

78/19 – F/15984/19 – 11 Europa Pass Battery, Europa Road – Proposed minor external alterations.

79/19 – F/16001/19G – Building 209, British Lines – Proposed internal refurbishment of Building 209, proposed new build and kennels for RGP Dog Section and proposed new builds for RGP firearms unit.

GoG Project

80/19 – D/15876/18 – 55/57-63 Line Wall Road – Proposed demolition of steelwork link bridge between 55 and 57/63 Line Wall Road buildings.

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**81/19 – D/15979/19G – Garage Block, Building 0447, Four Corners – Proposed demolition of single storey concrete block of six garages.**

GoG Project

**82/19 – D/16010/19 – 69-70 Catalan Bay Village – Proposed demolition of a two storey masonry and timber structure and single storey outhouses and removal of roof of cottage.**

**83/19 – A/15964/18 – 92 Devil's Tower Road – Proposed signage for hoarding.**

**84/19 – A/16000/19G – Winston Churchill Avenue, Waterport Roadway, North Mole Road, & Queensway – Proposed lamp post banners to advertise Gibraltar Snooker Open.**

GoG Project

**85/19 – A/16002/19G – Winston Churchill Avenue, Waterport Roadway, North Mole Road & Queensway – Proposed lamp post banners to advertise Pool Masters tournament.**

GoG Project

**86/19 – A/16003/19G – Main Street by Post Office – Proposed double sided banner to advertise Gibraltar Snooker Open.**

**87/19 – N/15985/19G – Rosia Court, Rosia Road – Proposed removal of a Robinia Pseudacacia and replacement with a Jacaranda Tree.**

GoG Project

*This tree application was seeking to replace a Robinia Pseudacacia of relatively poor and unattractive form which had been subject to recent significant heaving which poses a very high hazard rating as the tree is located on a roadside. It was recommended that the tree should be removed and replaced with a Jacaranda which is more suitable to the planter and also the character of the site.*

**88/19 – N/16026/19G – Landport Tunnel/Corral Road – Proposed removal of an Olea Europaea and a Ficus Carica.**

GoG Project

*This tree application was seeking to remove two trees of average form, which were growing adjacent to a parapet wall to which they are applying pressure. It was considered that the trees positions mean that they will continue to exert pressure on the wall and that although the wall will be repaired; the trees are likely to damage the new wall too, causing safety issues due to the constantly used pedestrian area below. It was recommended that the tree should be removed and that the wall should be repointed consultation with the MfH and GHT and subject to a Heritage Licence being obtained for the repointing works.*

**89/19 – Any other business.**

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**90/19 - Next Meeting**

The next meeting will be held on 26<sup>th</sup> February 2019.