

# Approved

DPC meeting 9/19

31<sup>st</sup> July 2019

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 9<sup>th</sup> Meeting of 2019 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 31<sup>st</sup> July 2019 at 9.30 am.

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**Present:**

Mr P Origo (Chairman)

The Hon S Sacramento (MHE)  
*(Minister Housing and Equality)*

The Hon Dr J Cortes (MEHEC)  
*(Minister for Education, Health, the Environment, Energy  
and Climate Change)*

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

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

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

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

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

Mr T Scott (TS)  
*(Environmental Safety Group)*

Mr Viv O'Reilly (VOR)  
*(Rep Commander British Forces, Gibraltar)*

**In Attendance:**

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

Mr. R Borge  
*(Minute Secretary)*

**Apologies:**

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

Mr C Viagas (CV)

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Mrs J Howitt (JH)  
(Environmental Safety Group)

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

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### 400/19 – Approval of Minutes

The Minutes for the 6<sup>th</sup> meeting held on 30<sup>th</sup> May 2019 and the Minutes for the 7<sup>th</sup> meeting held on 20<sup>th</sup> June 2019 were approved. The Minutes for the 8<sup>th</sup> meeting held on 8<sup>th</sup> July 2019 were deferred.

### Matters Arising

None

### Major Developments

None

### Other Developments

### 401/19 – F/14437/16 – Unit G26, Europa Business Centre, Queensway – Proposed erection of new building to be used as a warehouse and associated usage.

This application was for a partly constructed warehouse that had been given planning permission in March 2017. However, what was being constructed was not in accordance with the approved plans. The applicant had now submitted a revised scheme. GibElec had asked for a 1 m high concrete plinth to be constructed to protect their underground services. The colour scheme and roof profile were also different to that which had been originally submitted and given planning permission. The height was now going to be 14.52 metres and the stair core had been relocated. The revised scheme included a pitched roof more akin to the original approved design that would assimilate the profile of the older dockyard buildings and Europa Business Centre. Existing trees would be kept on site and the applicant was introducing Photovoltaic (PV) panels as well as Bat and Swift nests.

DTP explained that the approved scheme was grey with light blue at the top however the applicant had introduced a blue cladding instead. DTP recommended that the original colour scheme should be retained. Gibraltar Heritage Trust (GHT) originally objected to this application and still objected on grounds that this building was not appropriate for the area.

The Commission voted on whether they were in favour of DTP's recommendations as follows:

In favour: 7

Objections: 1

Abstentions: 2

The Commission approved this application with the condition to retain the previously approved colour scheme.

### 402/19 – F/15644/18 – 18 Castle Street – Proposed extension and redevelopment of the upper floors of the building.

This application was to construct an extension above the upper floors of this building that was in

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one part storeys and in another 4 storeys building DTP explained that the building lacked any original features located on a prominent street corner. Five additional apartments would be constructed with access to individual roof gardens.

At the moment the building has a mixture of different window types but the extension would reflect the floor below. A swift/bat survey had been conducted resulting in no evidence of nesting. However, the applicant was proposing to provide facilities for new swift t nests in the new extension.

The previous earliest scheme submitted for this building did not comply with the design guide and objections had been raised from a member of the public. Discussions had been held between the applicant and the Town Planning Section to seek various improvements to the scheme. A revised scheme had subsequently been submitted which is the scheme now being considered by the DPC. The objector to the previous scheme had been notified of the revised scheme and no objections had been received.

DTP reported that the revised scheme had largely addressed the concerns raised. He noted the lack of traditional building features and that the additional storey reflected the design of the existing top storey. The issue of the visual impact of the individual roof top staircores had been carefully assessed and that the conclusion was that they would not result in a significant visual impact on the local townscape.

DTP recommended approval subject to standard conditions with further submission of landscaping and inclusion of Swift nests.

MEHEC asked whether the inclusion of shutters had been considered.

DTP responded that currently only one floor had shutters and may be beyond applicant's control as may not be the same owner as the floor below.

MEHEC requested that there be some negotiation between both parties.

The Commission approved this application unanimously.

### **403/19 – F/16132/19 – Eagle House, Mount Road – Proposal construction of a timber deck to the rear of the property.**

This application proposed the installation of additional timber decking on the west facing parts of Eagle House. The applicant wished to extend the current timber deck over part of a sloping vegetated area. The deck would be built over a supporting steel structure and have timber balustrading.

The Department for Environment, Heritage and Climate Change (DoEHCC) had submitted comments stating that they did not object subject to the decking being permeable and that the decking must have a gap clearance of 5-10 cm around trees on site.

DTP explained that this site was largely screened from view due to its location and surrounding buildings and the construction of the timber deck would not have a negative visual impact. He recommended approval of this application.

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The Commission unanimously approved this application with conditions to be included in line with the DOEHCC comments.

### **404/19 – F/16176/19 – 9 Cannon Lane – Proposed refurbishment of building and construction of two-storey extension.**

This building is currently three storeys high and the applicant was seeking permission to construct a further two storeys. Buildings in this area are generally three to four storeys tall. However, the opposite building had been given permission to construct an extension five storeys tall.

The hotel would still have 16 rooms but would be refurbished to be larger and incorporate ensuite facilities. In 2016, an application was submitted for an additional two floors and that would double the number of rooms. DTP reported that the DPC has asked the applicant to consider replacing the existing windows with timber replacements on the existing 1<sup>st</sup> and 2<sup>nd</sup> floors and that the new floors could have timber windows and shutters.

Internal alterations and refurbishments would be carried out on the ground floor. A green wall would also be incorporated into the patio. At first and second floors all rooms would be enlarged and incorporate ensuite bathroom/ toilet facilities. Each existing and proposed floor would have 4 bedrooms per floor. . A landscaped roof terrace and the roof of the plant room would have a sedum cover.

Unlike the previous approved the proposed top storey extension would not be set back but on the same plane as the existing keeping to the same architectural treatment. . Swift nests would be incorporated into the new of the new extensions and the applicant was currently looking into rainwater harvesting.

Comments were received from the following consultees:

GHT – Applicant should take this opportunity to improve fenestrations.

Ministry of Heritage – Should ensure that they follow the design guide.

DTP reported that the improvement to the accommodation was welcome and would assist in improving Gibraltar's hotel product. The external design was in line with architectural policy in terms of continuing the same treatment on the front plane.. He also said that there was no objection to the proposed fenestration as the original windows had been lost many years ago. However, he highlighted the comments of the GHT that was to seek improvement to the fenestration. Subject to the DPC's view on the question of fenestration, he recommended approval with the condition to retain the timber shutters and to also install them on the upper floors. Swift/Bat Surveys were also required before works began.

After some discussion it was agreed that the DPC could not condition the replacement of the existing windows with new timber windows but that the applicant be asked to consider this possibility.

The Commission unanimously approved this application.

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### 405/19 - F/16184/19 - West of the bridge entrance to The Island, Queensway Quay - Retrospective application for maintenance of rock works/sea defence bund for Queensway Quay Marina.

This application was seeking retrospective approval for maintenance works carried out on the south end of the revetment at The Island, Queensway Quay. DTP reported that this was the second retrospective application for these works. A total of 13 star blocks had been placed there to improve the sea defences.

In April 2018 a retrospective application had been submitted and refused by the Commission due to visual impact caused by the tetrapod used to reinforce the revetment and due to the DoEHCC's preference for the use of natural stone blocks.

Since the issued refusal decision the applicant had obtained further reports, undertaken by Dr. Eric Shaw (Helping Hand Trust) stating that the tetrapod star blocks were now inhabited by limpets which were a protected species in Gibraltar. DoEHCC had subsequently carried out a survey and confirmed that the concrete blocks were not adversely affecting ecology but that they had not recorded any protected limpet species on the blocks themselves but instead had recorded individual specimens close by on the natural rock. DoEHCC confirmed that the structures had been colonised nicely and saw no issue in leaving in situ. The reports had been circulated to all members of the Commission.

Mr Luke Eastwell from BFA Management representing the council for The Island addressed the Commission to reaffirm the letter that had been submitted stating that these blocks had a negative visual impact, they were not the same as previously used and that a S21A notice had not been displayed. He asked whether it was possible to drop the blocks further down as a compromise to keep the revetment.

MEHEC noted that an environmental assessment would need to be carried out first.

DTP continued to report that counter representations from the applicant had been received and circulated to all members. He explained that the applicant claimed that these tetrapods were being used for technical reasons as the previous blocks had washed away. The tetrapods now had protected limpets living on them.

In his assessment DTP stated that natural stone blocks would have been preferable. The environmental report from DoEHCC mentioned that the new structures had been colonised and that they were happy for the blocks to remain in place.

KB commented that limestone blocks were far more beneficial for marine life than the star blocks.

MEHEC asked whether it would be possible to cover these blocks with limestone blocks.

The Chairman recommended that this application be deferred in order to obtain further information on the engineering aspect of these blocks and their benefit to the revetment's stability with a requirement as to whether they could be covered by natural rock.

The application was deferred pending more information.

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### **406/19 – F/16241/19 – Mid Harbour Estate – Proposed installation of photovoltaic panels at existing roof level.**

This application proposed to attach PV panels onto the roofs of blocks located at Mid Harbour Estate. The PV panels would be generally laid flat on the roof except on one area of the blocks where the PV panels would be placed at an angle.

DoEHCC commented that measures should be taken to prevent seagulls from nesting on the roofs.

DTP recommended approval of this application and for the PV Panels to be in line with DoEHCC's comments.

This application was approved by the Commission unanimously.

### **407/19 – O/16283/19 – 1/1, ½ and 1/A – 1 Casemates Square – Proposed change of use of unit from retail (Class A1) to banking and financial services (Class A2).**

This application was to change the use of the two glass factory vaults at Casemates from retail to banking. Casemates is a predominant shopping/ restaurant cafeteria area as referred to in the 2009 Development Plan.

The following comments were received from consultees:

GHT and MoH – any works required would need a listed building licence.

Technical Services Department (TSD) – Objected to the loss of a prominent tourist and retail amenity.

The change of use from A1 to A2 may also create a precedent and lead to pressure for similar changes of use.

DTP reported that this was a site-specific case and that the unit formed part of a project that was conceived as a refurbishment project for a listed monument and its use as a retail/food and drink development that would maximise pedestrian activity and maintain the viability and vitality of this Square. The introduction of an A2 use on the ground floor would be a first and could lead to pressure for similar proposals for change of use and eroding the general functions of the Square as a retailing and food and drink area. DTP recommended refusal of this application.

MEHEC felt that he did not have enough information to form a decision.

The Chairman commented that banking Institutions had come into Gibraltar with high street retail banking facilities and then had subsequently become Private Banks with no footfall and introducing blank facades quoting the ex-Lloyds and ex-Banco Bilbao as past examples.

The existing tenant, Mr Stuart Menez (SM) and Mr Levy Attias (LA) his legal counsel asked to address the Commission.

SM explained that Gibraltar Crystal had imported glass blowers and specialised craftsmen for the

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glass manufacturing and they were becoming difficult to recruit and both partners were now reaching retirement age. The labour force was dwindling and he was finding it hard to find any craftsmen. He further explained that the business and the premises were not up for sale but they had been approached by a banking institution to use the premises. SM stated that they were trying to manage their exit and prevent having a closed vault at Casemates.

KB asked SM to justify why the use should be changed to accommodate a bank and if it was a retail banking institution.

LA replied that banks were leaving Gibraltar and this bank had experience and had surpassed other financial institutions.

SM added that as far as he understood they had a banking licence.

The Chairman stated that it would be more appropriate for the Commission to be addressed by the bank to convince the Commission to support the change of use not by the business that was leaving the premises.

MEHEC interjected that the application should be deferred to allow the bank to submit the required information.

The Chairman asked whether there was a representative from the bank present.

Mr Albert Agius (AA) on behalf of the bank asked if he could address the Commission. He explained that the bank held a full banking licence and they were planning on opening an experience centre for customers to see how the bank operates; it would not be a regular bank as this bank runs a digital banking platform. This site would be the bank's hub and headquarters. AA also told the Commission that they were aware and understood the vault's listed monument/building status. He added that he did not consider that there would be a reduction in footfall as the type of banking business approach is geared to attract footfall. They would also be using this site as a work café and they intend to make customer use of the patio at the rear.

MHE asked what the projected number of staff was.

AA introduced Mr Albert Rocca (AR) an official of the bank. He explained that the bank currently takes on between 250 and 500 new clients daily and have offices in 42 countries. The company considered that a customer hub was needed and Gibraltar was chosen. AR added that there would be specialised rooms with camera and a microphone for one to one sessions between with the customers and service agents. The bank would not be limited to anyone and Gibraltarians could also open accounts with the bank.

MEHEC commented that he was sad to see an institution like The Glass Factory closing but was pleased that there was an opportunity to make use of this vault and felt that new ways of doing business needed to be embraced.

GM noted that he was also saddened by the closure of The Glass Factory but was swayed to approve the change of use but would also want to see more details on the physical aspects of the proposal.

The Chairman reminded the Commission that this outline application was only for the change of

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use of the vault. Full detailed plans would need to be submitted if the application is followed by the full planning submission.

The Commission voted as follows when considering the change of use:

In favour: 9

Abstentions: 1

The application to change the use of the vault from A1 to A2 was approved.

### **408/19 - F/16325/19G - Former Queen's Cinema, Boyd Street - Proposed use of site as a temporary car park.**

*GoG Project*

Following demolition under item 409/19 below of the Queen's Cinema building, the site was to be used as a temporary car park with 23 car parking spaces and 28 motorcycle parking spaces. Entry and exit into the site would be via Boyd's Street; this would result in the loss of 4 street spaces. There would also be a 1.1-meter guard fence built around the car park.

The following comments were received:

GHT - Photographic record was required of the cinema and the sign and crown should be salvaged.

MoH - Archaeological Watching Brief (AWB) to be implemented.

DTP commented that there were no in principle objections and that further details on the perimeter fence should be submitted. A Swift survey was also required before demolition.

KB commented that the Swift Survey could be commissioned but the mitigation measures should also be implemented.

The Commission supported the Recommendations by the consultees and didn't add any themselves.

### **409/19 - D/16279/19G - Former Queen's Cinema, Boyd Street - Proposed demolitions of building.**

*GoG Project*

This application had been considered together with F/16325/19.

The Commission supported the demolition.

### **410/19 - A/16287/19 - Corner of George's Lane and Main Street - Proposed placement of self-standing advertising board.**

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This application had been considered by the Subcommittee but was recommended for refusal as it didn't comply with the criteria for sandwich boards. In view that the Subcommittee does not have delegated powers for refusal it had tabled the item for consideration the Commission.

The Commission concurred with the Subcommittee's recommendation on the basis that it did not comply with the 2009 Development Plan policy on sandwich boards and the application was refused.

### **Minor and other Works – not within scope of delegated powers.**

#### **411/19 – F/16185/19 – 6 Park View House, 21 Queensway – Proposed installation of glass curtains.**

The Commission approved this application.

#### **412/19 – F/16272/19 – White Rose Cottage, King George V Ramp – Proposed re-building of garage and extension to form office premises.**

The Commission approved this application.

#### **413/19 – F/16293/19 – 5A and 5B Hargraves Parade – Proposed internal reconfiguration to convert two existing dwellings into a single dwelling as well as rooftop extension to include swimming pool, garden and additional accommodation.**

The Commission approved this application.

#### **414/19 – F/16299/19G – Rear Gardens to St. Bernard's Hospital, Harbour Views Road – Proposed removal of the existing disabled lift that accesses the garden area and replacement with a new disabled lift in a revised location allowing mobility impaired access to the gardens from the podium level.**

GoG Project

*The Commission had no objections to this application.*

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

#### **415/19 – F/14864/17 – Europarking, Europort Avenue – Proposed 366 residential units in three towers with associated retail and commercial space, car & bike parking, and public realm.**

*Consideration of revised plans for minor alterations to Type 9S floor plate in block D reducing no of units by 12 and changes to Block D penthouse resulting in reduction of an additional unit and minor amendments to external wall line and window locations and addition of small glazed winter garden to vary Condition 1 of Supplemental Planning Permit No. 6160A.*

#### **416/19 – F/15203/17G – Laguna Site Complex – Proposed construction of new first school and middle school.**

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*Consideration of revised plans involving new toilet blocks and canopy within playground, revised façade fenestration and sports hall roof.*

**417/19 – F/15959/18 – 212/216 Main Street – Proposed refurbishment and fit-out of commercial premises.**

*Consideration of external cladding details to discharge condition 4 of Supplemental Planning Permit No. 6982A.*

**418/19 – F/16005/19 – The Arches, Castle Road, Gibraltar - Proposed conversion of existing vacant retail units into two apartments.**

*Consideration of revised drawings involving the change of use from retail to residential and ancillary works in accordance with the Commission's decision made at the DPC meeting held on the 26<sup>th</sup> March 2019.*

**419/19 – F/16167/19 – 1A Line Wall Road – Proposed internal alterations to office premises and installation of replacement signage.**

**420/19 – F/16224/19 – 1A Mediterranean Terrace – Proposed internal alterations.**

**421/19 – F/16245/19 – 6.01 World Trade Centre, Bayside Road – Proposed installation of air conditioning units within the office unit.**

**422/19 – F/16261/19 – Unit 1.00 Burlington, Midtown, Queensway – Proposed fit out of unit into a convenience store including the construction of a mezzanine.**

**423/19 – F/16262/19 – Unit 7 Casemates House, 16 Casemates Square – Proposed change of use from cafeteria to shop.**

**424/19 – F/16270/19 – First Floor, 10 Irish Town – Proposed internal alterations.**

**425/19 – F/16275/19 – 1407, Cherry Blossom, Ocean Spa Plaza – Proposed internal alterations.**

**426/19 – F/16276/19G – Public footpath between Devil's Tower Road and Beach View Terraces – Proposed installation of small stand up pillar box.**

GoG Project

**427/19 – F/16280/19 – 5 Town Range – Proposed alterations to layout of duplex penthouse on floors 5<sup>th</sup> and 6<sup>th</sup> floor of building including construction of extensions on previously approved terraces and installation of external spiral staircase, skylight window, solar panels and additional windows.**

**428/19 – F/16282/19 – 14C Elliott's Battery, Elliott's Close – Proposed minor alterations to residential premises.**

**429/19 – F/16284/19 – 10 Genista House, 53A Europa Road – Proposed replacement of plastic coated wood bathroom window with an uPVC window.**

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**430/19 – F/16288/19 – First Floor, Grand Ocean Plaza, Ocean Village – Proposed internal alterations to office.**

**431/19 – F/16291/19 – Roof Terrace, 16 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**432/19 – F/16292/19 – Roof Terrace, 14 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**433/19 – F/16294/19 – Roof Terrace, 2 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**434/19 – F/16295/19 – Roof Terrace, 4 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**435/19 – F/16296/19 – Roof Terrace, 18 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**436/19 – F/16298/19 Roof Terrace, 9 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**437/19 – F/16301/19 – Roof Terrace, 12 Plata Villa – Proposed installation of pergola on flat roof terrace.**

*Follows on from outline application.*

**438/19 – F/16302/19 – 7.6.04. Hibiscus Court, Sir William Jackson Grove – Retrospective application for internal alterations.**

**439/19 – F/16307/19 – Prior Park School, 36 Castle Road – Proposed refurbishment of an existing external sports court and access stairs.**

**440/19 – F/16314/19 – 15/5 Lynch's Lane – Proposed new door opening to patio.**

**441/19 – A/16303/19 – Unit A, 252 Main Street – Proposed installation of wall mounted projecting shop sign.**

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**442/19 – A/16316/19 – 225 Main Street – Proposed installation of fascia sign.**

**443/19 – N/16146/19G – Montagu Bastion, Line Wall Road – Proposed removal of Olea Europaea.**

*This tree application sought to remove an Olea Europaea which is growing above a retaining wall and has caused damage to it. It was considered that the Olea Europaea and surrounding shrubs should be removed and replanted nearby as urban landscaping.*

GoG Project.

**444/19 – Any other business.**

None.

**445/19 – Next Meeting**

The next meeting will be held on 6<sup>th</sup> August 2019.