

Approved

DPC meeting 4/20

18th June 2020

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4th Meeting of 2020 of the Development and Planning Commission held remotely via video conferencing (due to Covid-19 pandemic) on 18 June 2020.

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 H Montado (HM)
(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)

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This meeting of the Development and Planning Commission was held via video conference due to lockdown rules still being in place.

193/20 – Approval of Minutes

The Chairman reminded members that the minutes of the 3rd meeting held on 6th April 2020 had been approved by ‘round robin’.

Matters Arising

194/20 - 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 was a retrospective application for maintenance works to the part of the sea defence for Queensway Quay Marina.

Tetrapods had been used to reinforce the southern end of the revetment to The Island. A retrospective application for these works had previously been refused in April 2018 on the basis that the Tetrapods were not in keeping with the existing rock revetment. The current application was deferred in July 2019 to allow for a submission of a report from a structural/civil engineer on whether natural rocks could be overlaid on the Tetrapods.

A report from AKS was submitted and circulated to all members of the Commission. The report stated that larger rocks could be placed over the Tetrapods but it was deemed that it would have a negative visual impact and the Tetrapods should remain. The Town Planning and Building Control Department’s Structural Engineer had reviewed the report and did not disagree with its contents.

DoEECC had surveyed the site and found that protected limpets had not been found on the Tetrapods but were present on the surrounding rocks. Other species were found to be inhabiting the Tetrapods. A method statement for any works to be carried out would be required if further works were to be undertaken.

Mr Dieter Wood (DW) addressed the Commission to express his objections to this application. DW is a resident of the area and was representing Lagoon Management. He stated that this was the third time that this application was discussed in two years. DW also claimed that an experienced developer carried out works without permission being fully aware of the planning process. He explained that Tetrapods are usually scientific and have four legs whereas these had six. DW expressed that he believed the Tetrapods should be moved to the seabed and be replaced with natural rocks, as he considered the Tetrapods an eyesore and different materials used on the south end created a visual imbalance. Approval of this application could set a precedent and no advantage should be given to a retrospective application.

Mr Eric Shaw (ES) was also allowed to address the Commission via video to make his counter representations on behalf of the applicant. ES explained that when placing these Tetrapods aesthetics were not considered but rather what would be best for maintenance after a large storm. Winter storms cause yearly flooding of offices in north end of Queensway Quay Marina and there was also the danger of a building coming down. Rocks were pushed down during the last storm. These Tetrapods were made to protect and break up the waves and were similar to those at Little Bay, Gibraltar. He considered it frivolous, tenacious and superficial of DW to

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consider the aesthetics. ES added that you would have to go right up to the edge to see the Tetrapods. These Tetrapods help those that live next to the sea.

ES also explained that there were globally protected species living on and around the Tetrapods so they could no longer be removed.

JH commented that after reading the submission from DoEECC the choice of materials was not ideal and the planning process should have been followed.

ES replied that he was not aware of the planning process at the time; he was only consulted about the kind of maintenance that was required.

The Chairman asked whether their actions had mitigated subsequent storm surge and damage after two years had passed since the Tetrapods were put in place.

ES replied that potential damage had been totally mitigated as when there is a large swell the Tetrapods break down the wave.

DTP commented that the effectiveness of the Tetrapods was not being contested, and although ES may not find the aesthetics to be an important factor but they were a matter for consideration by the Commission.

MESC clarified comments about a visit he made to the site. ES had implied that it did not need Planning Permission following a comment he had made in person. MESC explained that his comment was about there being marine life present on the Tetrapods as DoEECC had stated. MESC felt that rocks would have been better and stated that the Commission needed to consider whether replacing the Tetrapods would be worse than leaving them in place.

The Chairman commented that HMGOG suffered with the same issue at the West View Park Promenade. No planning permission was required for the maintenance that was carried out because it was undertaken using the same materials as originally used. In this case the applicant had changed the configuration and materials. Planning Permission was consequently required. The Chairman recommended that the Tetrapods could be remain in place but topped off out of sight by the rocks.

MESC commented that this area was not frequented by many people. Works would require an assessment, and submission of a new proposal and method statement to protect marine life.

The Chairman informed that there was public access to the waterfront and so asked members whether they agreed to approve this application and cover over the Tetrapods with rocks supplemented by the submission of a method statement to be approved by structural / civil engineer.

The Commission unanimously agreed with the Chairman's recommendation.

Other Developments

195/20 - O/15176/17 - Devil's Tongue, Queensway - Proposed development of a multi-storey mixed use development to include residential, commercial, retail, café/restaurants and

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underground car park. Proposals include a public podium level comprising retail and open public spaces.

The Chairman explained that at Subcommittee CAM had recorded her objections to extending the Outline Planning Permit being requested by the applicant. Extensions to the validity period of an Outline Planning Permission would usually be dealt by the Subcommittee but the Chairman considered that this should be presented to the Commission following CAM's objections. CAM had objected to this development at the original DPC meeting.

DTP explained that the applicants were discussing some elements with HMGOG and were working on a full application. The applicant had now submitted the full planning application.

The Chairman asked whether the applicants should be allowed an extension although there had not been any change from the Outline Planning Application.

MESC commented that because there had not been any change it worried him that there had been a change in law which states that new developments needs to be almost zero energy.

The Chairman stated that the renewal of the outline planning permission could be conditioned to reflect this change in law and would be assessed in the full planning application.

DCM firstly thanked the Town Planning Department and Digital Services for making this video conference possible. He went on to comment that there had been a material change since the election. HMGOG has a commitment to creating a greener Gibraltar. Height, size and massing was a consideration which now needed to be met in this application.

MESC agreed that if the full application was ready extending the Outline Planning Permit may not be required.

KB stated that GONHS was still concerned about the effect of glass facades on migratory birds.

JH welcomed hearing concerns from DCM and MESC regarding environmental issues, reminding other members that the three NGO's rejected this development and explained the impact on the old town.

The Chairman explained that the height and other issues discussed came under planning policy as set out in the 2009 Development Plan which was still in effect. He added that Chatham Views was also a high rise and would be a development in the vicinity with the same issues on height, massing and size. . He reminded the Commission that they could add further conditions to the Outline planning Permission to be reflected in the full planning application.

JH commented that the preceding comments related to Climate Change and developers should adopt that now.

The Chairman explained that the developers were requesting an extension as they needed further time to re-orientate the structure and other issues they had been discussing. He added that the Outline Planning Permission had expired during lockdown and they had 28 days to ask for a renewal.

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MESC noted that developers would be able to see the meeting online and see that the law had changed and would need to apply that to their Full Planning Application.

The Chairman asked whether the Commission was still happy with the height, massing and amount of glazing.

MESC replied that Government Policy had changed and were not able to discuss that now.

The Chairman commented that the 2009 Development Plan had not changed and there could potentially be an appeal. He asked whether Town Planning should be guiding them to reduce height, character of the building.

DCM noted that the background that it is being considered today had changed since first considered.

DCM also mentioned that landlord issues considering the current buildings on site were not taken into planning consideration. A letter from HMGOG stated that they would not take on responsibility of relocating existing tenants. The building was privately rented and this was the responsibility of the applicant.

MESC agreed that there was no need for an extension. Adding, that the applicant must work with Town Planning to apply the new ethos into the design.

The Chairman stated that Town Planning would discuss with the applicant and bring this forward to the Commission to consider. He also mentioned that if land was not available and existing occupiers not vacate the site then the development may need to reappraise the design. Land issues are of the Commission's concern as it affects the footprint of a building.

JH asked what criteria developers would need to meet for a green Gibraltar and whether the Commission could have this criteria to guide developers.

The Chairman responded that the only way to apply the criteria was via the Development Plan which may need to be brought forward in its completion.

DCM said that HMGOG would feed its input into the Development Plan and DoEECC policies would be reflected.

The Chairman concluded that Town Planning would definitely work with the developers on Environmental issues and the height of the building.

The Commission decided not to renew the outline planning permission,

196/20 - F/15391/18G – South Jumpers Bastion, Rosia Road – Proposed restoration and conservation of the existing bastion, creation of glass enclosed atrium and construction of a two storey extension.

This application was deferred at the request of the applicant.

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197/20 - O/16746/20G – Moorish Castle, Willis's Road – Proposed construction of new tourist office for the Tower of Homage comprising security office, ticket office and toilets.

This application was deferred at request of the applicant.

198/20 - F/16750/20G – Ince's Hall Courtyard – Proposed installation of lift.

DTP explained to the Commission that this application was to install an external lift in the south-west corner of the courtyard, next to the existing external staircase leading to the first floor.

The complete structure would be seven metres tall, separate from the building and an existing tree would be relocated. The steel structure would have translucent glass cladding and a roof canopy leading to the entrance of the first floor.

DoEECC – recommended a zero energy lift and that care should be taken when erecting scaffolding to ensure no bird/bat nests were disturbed.

CAM commented that she was happy with the location and design, but considered the curtain wall on the first floor excessive. She requested for it to be excluded.

MESC commented that the lift would usually be used in the evening and was not averse to CAM's suggestion of removing the curtain wall from the design.

DCM commented that it was wonderful to see the lift coming to fruition as it would be a benefit to those with disability and mobility issues.

The Chairman noted that street art could be added to the glass cladding.

MESC noted that bird collision mitigation measures should be incorporated into the glass as there are swift nests in the area. He also mentioned that the inclusion of Street Art at Ince's Hall had proven controversial.

DTP commented that this was a HMGOG project and under the new legislation permission now needs to be granted with or without conditions. It was no longer an option to simply make recommendations.

KB lent his support to CV's point regarding cladding, even dark glass could affect bird collisions.

MESC considered that cladding could possibly be the same colour.

CAM commented that she was against cladding and preferred other mitigation measures.

DTP agreed with CAM and suggested the possible use of vinyl stickers to the glazing, perhaps with the Inces Hall name or logo, would help with the issue of bird collision.

KB mentioned that there were a number of possible deterrents that could be adopted.

The Chairman noted that the glass frontage was approved unanimously. He suggested the inclusion of vinyl stickers reflecting the arts and drama to be added to the glass. The first floor enclosure with glass curtain wall not to be permitted as it was considered an unnecessary

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structure. Opaque glass was considered an option too. The added condition for the tree to be relocated within the courtyard was supported.

The Commission approved the application in line with the Chairman's summary.

Minor and Other Works – not within scope of delegated powers

199/20 - O/16660/19 – Kings Wharf, Quay 27 – Proposed installation of glass screens to balconies on the existing Kings Wharf Quay 27 development, using apartment 45 as the sample apartment.

The Commission approved the application.

200/20 - D/16663/20G – Frontier – Proposed demolition of small single storey masonry security post with timber roof.

The Commission approved the application.

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

201/20 – F/15999/19 – 1 St. Joseph's Road – Proposed replacement of existing warehouse with a new garage, building, residential parking spaces and stores.

Consideration of updated landscaping plan to replace a dead tree that was to be retained (ex5) with a replacement tree (t17) to discharge Condition 14 of Supplemental Planning Permit No. 7163A.

202/20 – F/16356/19 – Watergardens, podium level, Apartment 502 – Proposed installation of Jacuzzi.

203/20 – F/16437/19 – House 1, 8 Naval Hospital Hill – Proposed internal alterations.

Consideration of plans for internal light well.

204/20 – F/16489/19 – 3 North Pavilion Road – Proposed construction of residential extension to building, including associated alterations and installation of swimming pool to property.

Consideration of revised plans for internal alterations to approved floor layouts.

205/20 – F/16705/20 – 2nd Floor, 40 Turnbull's Lane – Proposed replacement of seven existing windows at second floor level with new windows facing street.

206/20 – F/16739/20 – 102 Rosia Plaza, Rosia Parade – Proposed installation of glass curtains to enclose external terrace and undertake internal alterations to property.

207/20 – F/16744/20 – Fairview, 27 Scud Hill – Proposed replacement shutters (like for like) and minor external and internal alterations.

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208/20 – F/16756/20 – 9.6.1 Europort, Europort Road – Proposed refurbishment of entrances to blocks 7 & 9 Europort, to include new draft lobbies with canopy to match design and materials of existing entrance to Atlantic Suites as well as installation of sheltered smoking areas.

209/20 – F/16784/20 – Unit 46, 12 Glacis Road – Proposed change of use of vacant commercial unit to car showroom room (Sui Generis) and associated refurbishment works.

210/20 – F/16786/20 – 13C Elliott’s Battery, Elliott’s Close – Proposed internal and external alterations.

211/20 – F/16791/20 – 2 Freesia House, Waterport Terraces, North Mole Road – Proposed conversion of window into a door leading to internal well.

212/20 – F/16796/20 – 13 Europa Pass Battery, Europa Road – Proposed construction of new bathroom, terrace and basement store.

213/20 – F/16800/20 – 21/1 Serfaty’s Passage – Proposed replacement windows and refurbishment of flat.

214/20 – F/16801/20 – 108 Seamaster Lodge, Mons Calpe Mews – Proposed installation of glass curtains.

215/20 – F/16802/20 – 606 Grand Ocean Plaza, Ocean Village. Proposed installation of glass curtains.

216/20 – F/16804/20 – 1019 Sand Dune House, Beach View Terraces – Proposed installation of glass curtains.

217/20 – F/16805/20 – 404 Imperial Ocean Plaza, Ocean Village – Proposed installation of glass curtains.

218/20 – F/16807/20 – 725 Seashell House, Beach View Terraces – Proposed installation of glass curtains.

219/20 – F/16808/20 – 501 Sand Dune House, Beach View Terraces – Proposed installation of glass curtains.

220/20 – F/16809/20 – 115 Sand Dune House, Beach View Terraces – Proposed installations of glass curtains.

221/20 – F/16811/20 – 601 Sand Dune House, Beach View Terraces – Proposed installation of glass curtains.

222/20 – F/16813/20 – 20 Moorland House, Ordnance Wharf – Proposed minor works to external open terraces, enlargement of two door openings on west-facing façade, installation of new frameless glass curtains to enclose balcony area on west-facing façade and installation of new front main entrance door to apartment.

223/20 – F/16815/20 – Villa Ghiberti 8, 21 Little Genoa, Sir Herbert Miles Road – Proposed extension to existing two storey dwelling.

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224/20 – F/16816/20 – 6 Knightsbridge Close, Montagu Crescent – Retrospective application for internal alterations and installation of window within internal courtyard.

225/20 – A/16785/20 – Unit G10 I.C.C. 2A Main Street – Proposed installation of replacement fascia sign.

226/20 – A/16826/20 – 5 Tuckey’s Lane – Proposed installation of shop fascia signage.

227/20 – A/16831/20G – Main Street – Proposed installation of banner to encourage social distancing.

GoG Project

228/20 – A/16842/20 – 14 City Mill Lane – Proposed placement of sandwich board to advertise Al Baraka takeaway.

229/20 – MA/16491/19 – The Cornwall’s Centre, Bell Lane/Cornwall’s Parade – Proposed extensions and alterations to ground floor commercial units.

Consideration of proposed minor amendments including:

- Installation of window, flue and signage to Cornwall’s Lane side of Unit G7;
- Installation of window, movement of door and replacement of handrail to Bell Lane entrance with more traditional wrought-iron railings as existed previously to Unit G2; and
- Inclusion of lampposts on top of wall and replacement of existing fencing/railings with new wrought-iron railings, raised section provided and installation of single gate on southern end of The Piazza onto Cornwall’s Parade whilst retaining public access across site.

230/20 – MA/16769/20 – 29/35 Engineer Lane and adjacent car park – Proposed construction of building containing 59 residential apartments, 3 commercial units and ancillary areas.

Consideration of proposed minor amendments including:

- Conversion of Flat 42 from a studio to a one-bedroom apartment: and
- Proposed internal alterations to floor levels 6 and 7 involving the conversion of studios to 1-bedroom apartments and enlargement of remaining studio’s reducing the overall number of residential units within the building from 59 to 53.

231/20 – MA/16797/20 – 12 Willis’s Road – Proposed extension and re-development of a residential building plus a new parking deck and amenities.

Consideration of proposed minor amendments including:

- Internal alterations to the layouts of approved bathrooms throughout the development;

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- *Internal alterations to changing room at roof level; and*
- *Addition of cistern to Unit 1 to enable reconfiguration of this unit from a one bedroom apartment to a two bedroom apartment.*

232/20 – MA/16850/20 – 8 Rodgers Road – Proposed single storey extension to residential property.

Consideration of proposed minor amendments including:

- *Reduction of enclosed portion of extension; and*
- *Removal of stair access core to be replaced access hatch with retractable stairs.*

233/20 – Any other business.

There was no other business discussed.