

Approved

DPC meeting 6/20

23rd July 2020

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 6th Meeting of 2020 of the Development and Planning Commission held remotely via video conferencing (due to Covid-19 pandemic) on 23rd July 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 Emil Hermida (EH)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr C Perez (CP)
(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)

Dr K Bensusan (KB)

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(Gibraltar Ornithological & Natural History Society)

Mr Kevin De Los Santos (KDS)

(Land Property Services)

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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.

270/20 – Approval of Minutes

The Chairman informed members that the minutes of the 5th meeting held on 17th July 2020 were not yet ready and would be circulated as soon as possible.

Major Developments

271/20 – O/16695/20 – North Gorge, Europa Road – Proposed construction of an eco-sustainable residential development, comprising 45 residential units, access roads, footpaths, storerooms, extensive landscaping and other associated site works.

This application was for the development of the North Gorge site. DTP introduced Jonas Stahl (JS) from Arc Designs and Gillaine Dellipiani (GD), the applicant.

JS explained that they had worked with stakeholders and felt that it was important to carefully develop the site and respect its topography. They were planning to construct low volume housing which would occupy 24% of the site. They would start by cleaning the derelict site and enhance the area, which has been used as a scrap yard, dumpsite and a shooting club. There were some historic buildings and natural heritage, which they would respect, and they would maintain the cold stores on site.

JS referred to larger residential schemes that had been proposed for this site previously. The developers were intending on constructing 45 dwellings, which would be between 3 and 5 storeys. Tree surveys had been conducted and it had been ascertained that the site is most densely populated around the perimeter. The developers were planning on moving 8 trees and planting a further 40, totalling 95 trees within the development.

Sunlight modelling had been used. The boundary of the development would be over 10 metres from Buena Vista Estate. JS stated that the amount of natural light that Buena Vista Estate (BVE) received would not be affected. The townhouses closest to BVE would be four storeys high as this was the only flat location. The developers were intending to install a sustainable drainage system. Sections and elevations were displayed which showed that the townhouses would be built in a contemporary style.

GD explained to the Commission that they aimed to integrate the development into the site and not vice-versa. GD reported that the sunlight study determined that the surrounding buildings would lose one hour of sunlight in December.

The townhouses would consist of 3, 4 and 5 bedroom dwellings. There would be 103 car parking spaces provided with another 9 public spaces. A further 45 Motorcycle bays and 45 bicycle spaces would be provided.

The Chairman asked that if the application were approved if it were possible for full use of the cold stores.

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GD replied that they had consulted with Gibraltar Heritage Trust (GHT) and in their current state; the cold stores had been difficult to survey. But they were intending to clean, refurbish and reuse the stores.

CAM added that the survey was pending on cleanout and improved access to the cold stores.

The Chairman also asked whether this development would be a gated community.

GD answered that this issue had previously been raised and had offered to include clauses in the leases to enforce allowing access.

GM asked whether more of the site would be developed in future as only 24% of the site was to be developed.

JS replied that they were not intending on developing more of the site as the topography of the site is rather challenging and the steepest vegetation would remain.

MC noted that from site surveys there are MOD services, which run through the site. He asked whether these services would be affected and allowed to remain.

GD responded that further surveys were required and was hoping to meet with MOD and Glen Rocky if Outline Planning permission was given.

CAM mentioned that an underground cave, Judge's cave, was listed. A full survey was pending on the cave. CAM asked whether they were committed to not have an impact on the cave.

GD replied that they were fully committed. They had already spoken to a seismologist and were planning on refurbishing the cave and including storyboard interpretations on its history.

JS added that a study had been commission but had to be rescheduled, as due to COVID-19 lockdown measures this had not been possible.

Mr Ray Murphy (RM) was invited to join the meeting to express his objections. RM resides at BVE. He explained that at the highest point, the development would encroach on BVE and they would lose privacy. RM also stated that this site was Gibraltar's only natural gorge and if this development went ahead, it would only be used for the benefit of the few. He said this development would be inconsistent with HMGOG's environmental policies.

The Chairman asked RM whether he was aware this site had been earmarked within Development Plan 2009 for development.

RM replied that he was aware that housing was meant to be built but that this was a natural area and should be turned into an eco-park for the enjoyment of all.

Mr Varian Garro (VG) was then invited to join the meeting. He also resides in BVE and is a BVE Management representative. He stated that there would be a loss of light and overshadowing if this development went ahead. VG also expressed concern regarding a loss of privacy, as the development would be too close to BVE. He felt the 4 storey townhouses next to BVE could be moved elsewhere.

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JS interjected that they had met to explain the sunlight study, which had been conducted. He explained that the site boundary had been set back more than 5 metres. He added that BVE is 7 metres higher than the height of the townhouses. The sunlight study determined that during the winter months the Rock and further buildings currently overshadow BVE.

GD added that they had taken their surroundings into account. She also said that they would construct the development in two phases in order to minimise disruption to traffic and the surrounding area. GD further stated that they had changed our plans to take trees on site into consideration.

DTP continued with his report and explained that the site had a significant history of development. This development would have a lower density than previously submitted developments. Although this development did not require an EIA there were various environmental studies that would be required. DTP reported that the site was allocated for residential development in the GDP 2009 Policy Z8.10 – Residential; it was in close proximity to the Nature Reserve. There was a Tree Protection Order on a Dragon Tree on site; and judge's Cave was listed under the Heritage Act.

The following comments had been received from consultees:

Department of Environment, Heritage and Climate Change (DoEHCC) - 0% energy buildings, 30 – 50% renewable energy. Assessment required if given Full Planning Permission. Plant survey, bird and bat survey required. All trees to be retained. 10% increase in biodiversity.

Ministry of Business, Traffic and Transport (MBTT) – Electric charging point for each household, bicycle racks. Access/egress – traffic calming junction important. Relocate bus stop.

Ministry of Heritage (MoH) – Cultural Heritage Assessment. Recording of buildings to be demolished.

Technical Services Department (TSD) – Drainage Capability Assessment. Geotechnical Assessment.

DTP explained that the development would consist of a low rise/low density scheme, which respected the site. The site currently has a high ecological and heritage value. Due to the topography of the site, the development would have low visual impact. He described the scale, height and massing of the development as acceptable. After a Tree Survey had been undertaken indicative landscaping proposals had been submitted. A total of 12 trees had been identified to be removed as they were intrusive or in bad condition. The developers were planning to plant 40 trees. Further geotechnical assessment would be required following on from a previous assessment undertaken for one of the larger previous schemes. The developer was committed to a strategy for use of cold stores and other assets including retention of two existing ventilation shafts.

DTP reported that the access/egress to the site is challenging and traffic calming and junction improvements would need to be considered and included in a wider traffic assessment. Detailed sustainability measures, and renewables assessments will be required.

Commenting on the representations received DTP referred to the issue of overshadowing at the north-west part of the site where the distance between properties was considered significant and

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that impact on adjacent properties would be limited as demonstrated with the shadow studies. Loss of private views is not normally considered a planning consideration.

DTP recommended approval with further conditions for a permeable surfacing to be used and incorporation of Bird and Bat nests in addition to conditions addressing the consultees comments and other points raised by DTP.

MEHEC mentioned that this development was an improvement on other developments that had been submitted for this site. He added that following a Geotechnical survey the cliffs would need more work. MEHEC also said that this was such a sensitive site he felt that the developers should speak to GONHS and DoEHCC about this development. MEHEC was worried that this would become a gated community.

CV reminded the Commission and objectors that the right to light was a civil issue and not a planning issue. He had no objections to the proposal.

JH shared MEHEC's concerns about this development becoming a gated community. She added that she understood that security is an issue but if the site is restored then access should be given for the public and tourists. JH also said that she was impressed by the reports submitted and although this was not an EIA development, she was looking forward to further reports being submitted.

The Chairman added that if the application were approved, it would be conditioned for reports to be submitted by Full Planning stage.

DCM said that improvements could be made by Full Planning stage. He added that public access should be guaranteed in the lease. DCM mentioned that this was a huge improvement to previously submitted schemes and commended the applicant's efforts.

DTP explained that the applicants were proposing to allow limited access, possibly controlled to groups.

The Chairman explained that gated communities were not part of policy. BVE had part public access, and the applicant should provide public access.

MC mentioned that 24 hour access for MOD services related to Glen Rocky.

The Commission unanimously approved this application, adding a condition on public access to the site.

Other Developments

272/20 – O/16604/19 – 317 Main Street – Proposed change of use from Class B1 to Class C3, demolition of the existing pitched roof and construction of a storey; demolition of the rear annex and construction of a new two storey extension and associated internal and external alterations including the conversion of a window to a door.

The applicant had requested that the application be deferred.

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273/20 – F/16657/20 – 23/7 Cumberland Road – Proposed extension and conversion to property.

This application was to construct an extension at 23/7 Cumberland Road. The extension would be accessed by an adjacent alleyway.

Although an objector had requested to address the Commission, they subsequently confirmed that they would not be doing so.

The applicant was proposing converting the existing loft space into a full storey with one bedroom. Stairs would provide access to the roof. One new window would be incorporated toward the North., The proposed extension would be 1m higher than the existing ridgeline with the stair-core being 2.8 metres higher. The adjacent building had been given permission in 2018 to construct a similar extension.

DoEHCC had submitted comments asking for a Bird and Bat survey and that nests be incorporated into the building.

The Housing department had objected to the proposal due to issues of impact on Elektra Flat tenants, structural issues and health and safety.

Representations from Elektra Flats Management had been received concerning noise and dust during construction and that the stair-core's window would be overlooking Elektra Flats resulting in a loss of privacy. The objectors also stated that the applicant was intending to sell the property once pointed out that permission was been sought prior to selling the property planning permission had been obtained. They also said the proposal would affect the structural integrity of Elektra Flats.

The applicant had made counter representations stating that precedent had been set by allowing a similar application and that the one window for the stair-core would be a fair distance away from Elektra Flats. They also said that they would ensure that they comply with noise and dust regulations and implement adequate mitigation measures. The applicant has noted that the issue of sale is not a planning consideration and that in any event they had no intention of selling.

DTP reported that the proposed extension was limited to the existing footprint of the loft with one window serving the stairs facing Elektra Flats and the proposed terrace would be to the North of the stair core (on the opposite side to Elektra Flats). The proposed stair window would be 8 to 10 metres away from Elektra Flats and that as the window was for a staircase and not a habitable room any effect on privacy would be very limited. The structural integrity matter was an issue for Building Control and not Town Planning; the applicant would not be constructing near a retaining wall. DTP recommended approval.

The Commission approved this application unanimously.

274/20 – F/16689/19 – 39 Admiral's Place, Naval Hospital Road – Proposed garden extension.

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This application was for garden extension to a two-storey house at Admiral's Place. The proposal involved constructing a platform over the escarpment and hardstanding to the west of the existing garden. The supporting structure of the platform would be screened with a living wall.

The DOEHCC had objected to further encroachment into green areas.

DTP reported that there was potential for visual impact from a variety of angles. From Camp Bay, the site was largely screened by the existing rock face and vegetation and no impact was expected on views from the Upper Rock where a larger garden area would be the only difference. The proposal would be visible from some distant views from the North where it would be seen in the context of the large house, cliff faces and existing vegetation. The proposed green wall would assist in minimising the visual impact. DTP also noted that the proposal was not really encroaching into green areas as large parts of the site comprised concrete hardstanding and some small buildings. DTP suggested that impact on views from the North could be further mitigated by pulling the structure back southwards and parallel to the line of house so making the end section more recessive.

DTP recommended approval with conditions to pull back the end section, assess cliff stability and proposed colour schemes and details of living wall.

JH objected to the proposal on the grounds of visual impact, as well as impact on existing vegetation and birds that reside on the cliffs.

MESC also objected to the visual impact and stated that a living wall was unlikely to be successful in this location. He also felt that there was no need for the proposal.

CV agreed with MESC and JH.

This application was refused as submitted due to negative visual impact and a loss of habitat.

275/20 – F/16736/20G – North Pavilion Road – Proposed footpath, modification to boundary wall including modifications to existing bin store and provision of three additional parking spaces.

This application was for the construction of a footpath and to make necessary modifications to a south boundary rubble wall. A bin store would also be reconstructed and additional parking spaces created within the current patio area of North pavilion House.

DTP reported that the proposed footpath would improve pedestrian safety but noted the concerns with breaching the historic stonewall. He suggested an alternative access/egress by using the entrance to the Central Hall Car park.

DTP recommended approval with the exception of the breach to the wall and that the alternative access through the car park be utilised.

CAM said that the wall had heritage value and should not be touched.

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MEHEC did not agree, as the wall is not listed. He added that there had been a breach and HMGOG was repairing the wall. MEHEC added that after these works Central Hall would increase in heritage value. MESC stated that the suggestion of using the car park access would not be acceptable on security grounds.

DTP suggested that if the access is to be as proposed then it should be recessed within the site with a small pavement at road level rather than projecting on to the highway.

EH mentioned that due to the setting back of stairs, there could be a concealed exit and it would be best to review this aspect of the application as it could be dangerous for schoolchildren.

The Commission voted as follows:

In favour – 9
Against – 1
Abstain – Nil

The Commission approved this application by majority with access through the wall but that Technical Services would consider the possibility of recessing the stairs with appropriate safety measures where it meets the highway.

Minor and Other Works – not within scope of delegated powers

276/20 – D/16697/20 – North Gorge, Europa Road – Proposed demolition of 11x small single storey buildings and sheds.

The Commission approved the application.

277/20 – Any other business.

There was no other business discussed.