

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 7<sup>th</sup> Meeting of 2020 of the Development and Planning Commission held via video conferencing on the 4<sup>th</sup> September 2020.

---

**Present:** Mr P Origo (*Chairman*)  
(*Town Planner*)

The Hon Steven Linares (MHYS)  
(Minister for Housing, Youth and Sport)

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

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

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

Mr A Brittenden (AB)  
(*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*)

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

Mrs L Mifsud  
(*Minute Secretary*)

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**Apologies:** The Hon Dr J Garcia  
(*Deputy Chief Minister*)

The Hon Dr J Cortes  
(*Minister for Environment Sustainability and Climate Change*)

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

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

Before going into the agenda the Chairman thanked on behalf of the Commission the service provided by Robert Borge the previous Minutes Secretary. He also informed that both the Deputy Chief Minister the Hon J Dr Garcia and Minister the Hon J Dr Cortes had given their last minute apologies and were to be represented by the Hon S Linares. Claire Montado was being replaced by Ian Balestrino for the application at Europa Walks.

### **278/20 Approval of Minutes**

JH had previously circulated some minor changes to the draft minutes for the 5<sup>th</sup> and 6<sup>th</sup> meetings held on 17<sup>th</sup> and 23<sup>rd</sup> July respectively. The Commission approved the Minutes with the changes proposed by JH.

### **Major Developments**

**279/20 -F/16601/19 - Europa Walks - Proposed Construction of seven new residential villas, 15 Town Houses and a four storey block of flats with 1x Two bedrooms units 1x one bedroom units and 3x three bedroom units, as well as a landscape podium, swimming pool and associated parking, with an additional landscaped communal pool, recreational area and commercial shop/bar adjacent**

The Commission welcomed David Vargas(DV) who made a presentation on behalf of the applicant.

**DV** summarised the previously approved outline scheme. The full application scheme includes amendments with regards to feedback given by Town Planning making reference to overdevelopment and the density of the project,

The Revised scheme entails the removal of an entire floor from the townhouses and dropping the podium level further to minimise visual impact on surrounding communities. DV stated that these changes had been discussed with the local communities as required by the DPC. Movement routes are provided through the scheme. The proposal now includes a 4 level apartment building that is similar in height to the villas fronting the road.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**DV** stated that they have reduced the density of the scheme and created further green and pedestrian areas within the project.

**DV**-The Conditions requested for dwellings to have double parking spaces has been put into place and the underground parking will serve the podium units. There will be parking spaces left over which will be available for purchase.

**DV** -stated that the scheme has been stepped and has been redesigned to open it up further and taking into account matters such as existing tree positions.

**DV**-Landscaping was another concern ;(**DV**) confirmed the new design had taken account of existing trees that needed to be retained and that structures have been designed around these. An ecological assessment had originally been requested but following discussions was not actually required although a full tree survey had been carried out identifying trees to be retained and those to be relocated. The landscaping plan also shows new landscaping to be planted.

**DV**-The concern and consideration of the use of the WW2 battery as an operational space for bar/shop has been discussed with the surrounding community and they have no objections. **DV** stated that previously it was to be used as a shop and bar but now, due to the space available it is likely to be one or the other The final decision will be based on community preferences.

**DV**-The matter regarding the WW2 battery has also been discussed with the Heritage Trust and is as has been agreed that the function of a shop or bar will be viable for the surrounding area. The intention to retain the existing structure of the battery has also been considered.

**DV** refers to the reduction of the number of dwellings and the height of dwellings. The height of the podium has dropped by 1.2meters so it minimalizes the visual impact it has in the neighbouring community, **DV** confirms that this was discussed with the surrounding neighbours as advised by DPC.

**DV** states that the new diagram shows a clear picture of the de -densifying of the whole site and that those concerns with regards to the adjacent neighbours will not be an issue as studies have shown that there are no obstructions with reference to right of light.

**DV**-Solar studies have been carried out regarding types of shades and times along the street frontage of the site

**DV**- The colour scheme and contemporary design with regards to nature and the flat roof designs blends in with the surrounding neighbour hood

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**DV**- the Refuse area has been re sited so it sits front of the Battery in order to have no further objections from Heritage Trust.

**DV**-Two refuse points are provided at the north and south ends.

**DV**- A request for a swift survey has been completed the survey shows that there are no swift on site.

**DV**- A bat survey has also been requested but it has been agreed that this will be undertaken nearer the time.

**DV**- An Archaeological desk based assessment has also been carried out and there have been no major objections

The Chairman commented that the parking spaces to the villas should be sufficient to ensure parked cars do not obstruct the footpath.

**DV**- Confirmed that all parking spaces are designated well within the site and off public highway

**IB (Ian Balestrino)** -raised a concern with the re-siting of the bin stores, **IB** stated that the recommendation of the DPC in the original outline planning was to have the bin stores away from the battery and the new scheme shows that they are adjacent to the battery

**DV** -states that they have engaged with the Department of Environment regarding the matter and had no objection. However, **DV** agreed that they will look into the possibility of locating the bin stores away from the battery.

**Chairman** Suggested that they liaise with Cleansing Department and Town Planning to identify alternative sites with regards to Bin stores.

**JH** Questioned whether full recycling facilities were being provided.

**DV**- confirms that all range of bins will be set up in place.

**JH** questioned If the surrounding community are in agreement with the height of the development, (**DV**) stated that community has no objections to the current scheme

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**JH-** concerns on landscape and space available for trees has been minimalized

**DV-** stated that the intention is to provide many more trees as part of the development.

**The Chairman-** Raised concerns with regards to communal gardens and as asked how they are going to ensure that no future applications are made by future tenants with regards to any amendments to these areas. He also made reference to those residents who have a tree located in their back garden and need to be made aware that they cannot be removed in future. PO advised to have these conditions set in their leases when the flats/villas are sold.

**DV-** stated that these conditions would be set in the resident's leases.

**GM –** Questioned the fact that most houses have flat roofs and this could encourage future residents to add extra floors and that this should be prevented.

**Chairman** once again suggested that these restrictions should be stated in their leases.

**JH-** Requested an update with regards to Renewable energy.

**DV-** Answered that the most predominant one was the collection of rain water and that all flat roofs will carry solar cells to recuperate light, and on the side panels of the building additional sliding screens would be put in place as shading devices to assist in cooling.

**DV-** stated that an in house survey with regards to energy rating had been carried out and their aim was to achieve an A+ Rating.

**Chairman-** asked reference the reduction in future of the use of further air-conditioning installation.

**DV-** stated that measures have been set in place to avoid this.

**DTP** Summarised the main changes from the outline scheme including reduction in density, reduction in heights, inclusion of apartment building, public footpaths, lowering of car park, re-use of Howitzer emplacement and allocation of 2 spaces per villa.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

With regards to architecture the scale, mass and height is generally considered acceptable. In relation to the proposed apartment building it was not considered to have a significant impact on the setting of the Shrine nor on adjacent properties.

The contemporary design is considered acceptable and the mix of colours and textures and variation in roof types and timber shading elements all contributed towards an interesting design.

In terms of the landscaping 8 trees would be lost, a total of 41 trees are being retained and 82 new trees are proposed although exact details (species, height, etc) would need to be agreed.

DTP-On sustainability the various measures being proposed were noted. In relation to PV panels the Department of Environment **DTP**.

DTP noted the results of the bird survey and that it was recommended that nests be provided for Sparrows and Starlings, also that swift nests be incorporated on some of the taller buildings

The results of the DBA had generally been accepted subject to the proposed mitigation measures being implemented. The GHT maintained its objection to the location of the proposed bin store in front of the gun emplacement as discussed and this would need to be addressed. **DTP**

**DTP**- parking provision was being met although there would also be a need for EVCP provision and bicycle parking in accordance with the regulations and requirements of the relevant consultees.

**DTP** referred to the fact that although the application was not open to full public participation that some comments had been received and copies circulated for information. On the issue of concerns about impact on daylighting DTP referred to the applicant's presentation on shadowing of neighbouring buildings and that there was unlikely to be a significant effect. -

**DTP**- Referred to Elliot's Battery residents requesting access to the site and that the application includes pedestrian access through the site.

**DTP**- The Overall view with regards to the matter is that this is a sensitive development, it is generally low rise and low density and an acceptable design solution to this sight therefore recommended approval subject to the conditions stated.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

A unanimous vote in favour – Application approved with the recommendations of planners, which include the Heritage side of the Development

**JH** – Questioned whether there would be free flow of pedestrians through the site to avoid having a gated community.

**DTP**- summarised that footpaths were being provide around site and that public access (pedestrian) would also be possible along the emergency access road.

**DV**- Answered that they have addressed the issue, there is access around the sight mainly a footpath and there is also access utilising emergency access road, (DV) considers this to be reasonable and that it does provide access to neighbouring community

**Chairman (PO)**- Stated that the access and flow is for pedestrians and not for vehicles

**DV**- also confirmed that there is also a pedestrian link right through the middle of the development, both north-south and east-west.

**MHYS**- Stated that this should be a public thoroughfare so that people can walk and cycle through. He highlighted the fact of achieving a very high rating with regards to Energy rate.

**DV**- confirmed that there is allowance to cycle and walk through the estate and that by no means was this going to be a gated community.

**IB**- Stated that the Trust supports the scheme but highlighted and stressed that they were not in agreement with the location of the bin stores and would request an alternative site be identified for the bin stores.

The application was approved unanimously subject to DTP's recommendations and that an alternative site is agreed for the bin store.

The application was approved subject to DTP's recommendations and that an alternative site is agreed for the bin store.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

### **280/20- F/16873/20G-1 Bishop Caruana Road- Proposed new elderly care nursing home to cater for 182 beds**

The site in question is approximately 11000 square meters and comprises a rectangular plot of the old HMS Rooke site. The remainder of site is currently in use for temporary storage and the the Covid Drive.

DTP stated that the proposal was a Government project for a 182 bed elderly care home comprising a 10 storey building with a roof top structure. The main vehicular/pedestrian entrance would be off Bishop Caruana Road where there was a dedicated pick up/drop off layby. The ground floor accommodates a 19 space garage and ancillary office and other space. to

The first level has 11 double rooms with access off a central corridor, apartments have north or south aspect, there is a communal dining room, and a small terrace area on the west elevation.

Levels 2 to 8 provide for single bedrooms with access off a central corridor. Balconies are provided on south and north elevations with the building line set back. The west elevation has small communal terrace at each level.

On the 9th floor there are no terraces and the building line is set back.

The Top floor consists of a large open roof terrace with planters and a communal area and sitting and dining room and storage space.

The Architectural style is largely determined by the standardised nature of the internal areas. There have been attempts to break up the massing through the use of terraces, setbacks, terrace planting and the introduction of a glazed curtain walling at the North-west corner. Different external finishes and colours have also been used and DTP highlighted the tapered vertical elements on the south elevation

**DTP-** Further info had been requested due to the possible over shadowing of Bishop Canilla House. –A solar study assessment was submitted that showed that the greatest impact to Bishop Canilla House would be in winter, when the south wing will be overshadowed till about 6pm and in Spring it would be overshadowed until 2.00pm, but even after that parts would still be overshadowed. In summer there is less impact generally and there would be little overshadowing after 2.00pm.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

Photomontages were presented from the North side of the site and photos of the site at present

On Sustainability, a very generic assessment had been submitted and reference was made to the possible use of PV panels and rain water harvesting.

DTP highlighted that the Department of Environment would be seeking to have a Zero energy building, further details required for PV and rainwater harvesting, and electric vehicle charging points, and they also requested further information on the refuse collection point.

The Ministry for Heritage Department would require an archaeological watching brief.

Ministry for Transport- has an issue on the parking provided as it does not meet the planning regulation and request for bicycle racks and electrical charging points should be implemented. The building should be set back, and the introduction of a cycle lane implemented. A larger pavement and the entry/ exit point should be raised to give pedestrian priority to cross the site.

Mr Durham (MD) had submitted written representations objecting to the proposal and the Chairman welcomed him to the meeting.

(MD) - shared visual dockets and concluded that he had 3 main concerns with regards to the application. Design, Scale and Massing and Sustainability

**On Design (MD)** Stated that this was a lego block design, a giant warehouse for the elderly not pleasing to the eye. The entire east side elevation is a blank feature and at the very least, a green wall should be included. (MD) stated that these kind of buildings reinforce car dependence, the ground floor should be used for amenities such as cafeterias or restaurants for residents to use. Having a garage is preventing street life to develop within the area.

**On Scale and massing- (MD)** stated that apart from the impact of shadow on other estates in the area, we must also address the impact of wind

(MD) – Suggested that an alternative could be having three or four blocks that would be more in keeping a local neighbourly community for the elderly.

**On Sustainability of the project- (MD)** Stated that a much more sustainable structure could be constructed like laminated wood. (MD) this whole site deserves a master plan approach.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**(MD)**- The lack of tree cover and narrow pavements do not make it a nice neighborhood, MD suggested that alternate approaches could be taken into account, that this was an interesting project and the inclusion of further rental and an affordable housing site could be implemented in the remaining part of the Rooke site.

**JH**- Stated that she was very unimpressed with the plans and agrees with MD's points with reference to shadowing issue as it is over bearing on Bishop Canilla House, and she also reiterated the need for a holistic plan

**JH**-The idea of an open/ moderate development would promote more of a social environment and therefore this kind of design should not be accepted and the submission revamped.

**CAM**- Agreed with many of **JH** and **MD's points** and stated that there is more potential for the full development of the Rooke site and that DPC should ensure that future projects within the area follow an overall scheme.

**The Chairman invited the Architect of the Scheme Mr David Orfila (DO) to address the Commission.**

**(DO)** Stated that the objections don't have much substance when you start comparing to other places; land in Gibraltar is limited and we cannot afford to develop low-rise buildings and therefore we have to resort to high-rise building structures

**(DO)**- on the issue with regards to the Ground floor the use of a cafeteria is something that is not possible as the development is a care home and the ground floor needs to be used purely for auxiliary services to give services which are required by the residents.

**(DO)**- Sadly views are sometimes spoilt but the element of light that comes into the adjacent buildings has been respected. **(DO)** encourages the idea of promoting amenities around the area but not on the development itself. Mr Durham's presentation is perfect for places, which are suited to having open areas, unfortunately we do not have many open areas in Gibraltar.

**(DO)**- The garden area will create a unique opportunity as it will compromise gardening areas and sensory gardens to cater for the needs of residents.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**Chairman-** Questioned the architect on the greenery within the building and (DO) responded that planters will be placed between balconies to soften the building

**JH-** stated that there are a number of points that require clarification such as the use of renewable energy and issues on sustainability that do not fall under the remit of the architect (**DO**) that should be looked at deeper.

**CAM-** Suggests the use of having the ground floor to be used for amenities for residents.

**DO-** replied that it will be looked into but unsure of the capacity of the ground level and that they will follow recommendations of different Departments in order to try to bring some activity in the ground level

**MD-** asked that the architect discuss the east side elevation and the possibility of making it a green wall and why he cannot ask for a larger plot to create 2 or 3 blocks with communal area.

**DO-** stated the development has been designed for the site that has been given to him., With regards to the East elevation DO stated that t they will have to wait and see what materializes on the remainder of the Rooke Site, if nothing materializes (**DO**) welcomes more greenery within the area.

**DTP-** provided an assessment of this application; DTP stated that as Town Planners we are disappointed that we have to consider one small element in isolation from the remainder of the larger development site. This makes it very difficult for the DPC to make decisions on a holistic basis.

**DTP –** This project will be constructed quite quickly the likelihood is that this could be constructed before any further applications for the remaining of the site

**DTP-**The points of MD are understood by Town Planning. However, in the context of the surrounding area the scale, mass and height of this building is considered acceptable.

**DTP-Architectural treatment-** the difficulty of designing a building like this with such standardized requirement is acknowledged. However, use of setbacks, terraces, variation of fenestration, materials and colours have all been used to try and break up the massing.

**DTP-**The green wall to the east elevation- The commission may want to consider and should be conditioned as part of planning conditions

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**DTP-**The submitted sustainability statement as very general in nature with only a few vague commitments made. Further information would be required and would need to be approved in consultation with the Department of Environment

**DTP** reported that whilst the parking provision does not meet the regulations the - Commission can relax the regulation and that in this case it was considered reasonable to do so. However, it was considered that motorcycle parking and bicycle parking should be provide sufficient for 10% of the number of employees on site. EVCP should be provided and Department of Environment had recommended that 20% should be active with the remainder passive.

**DTP-**Overshadowing would impact Bishop Canilla House and the DPC would need to consider whether that was acceptable or not.

DTP stated that subject to the DPC's decision on over shadowing, that the application as recommended for approval with certain conditions dealing with the issues referred to by the consultees such as landscaping plans, electrical charging point, bicycle lanes.

**JH- Commented that** the percentage of green space is minimal, especially on the ground area and the promoting of green areas as per the Town Planning Act should be promoted with this development.

**CAM-** stated that she understands the restrictions with regards to ratio and sizing however this scheme can have an implication as to what evolves on to the rest of the site.

**The Chairman-** we have no details of the surrounding areas and we have to take this application on its own merit

**MHSYC** stressed the importance of having a care home, and makes reference to the importance and how accessible the area is. He understood the concerns from the members, but highlighted the importance of taking care of the elderly. The usage of the place goes over all the other objections in his opinion, and he agreed with the environmental concerns agreeing that many things can be added such as solar panels and that the building is made as sustainable as possible. The parking area should only be for visitors

**The Chairman-** advised that the architect should ensure that there is interconnection with the other communities within the area so that the residents may walk through Edinburgh

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

Estate and take short cuts as opposed traversing Bishop Caruana Road and Europort Road.

The Chairman asked for a vote to approve the application with conditions as discussed and recommended by the DTP.

The vote was:  
7 votes in favour  
3 votes against

The application was approved.

### **281/20-Ref 1281/54- Line wall road- Proposed resurfacing and improvements**

**DTP**-This is a Government scheme for the beautification for Line Wall Road that was not a planning application but referred to DPC for comments.  
and the scheme extends runs along Line Wall Road from the Cathedral of the Holy Trinity in the south to the entrance to the ICC carpark in the north.

**DTP** -The overall concept of the scheme was to introduce a much more pedestrian friendly and landscape area along Line Wall and for traffic to be reduced to one carriageway, with the introduction of plant beds to separate the cycle route and beside a paved area which is intended for pedestrians and joggers

Emergency access route would be formed by the jogging area and the cycle route.

Throughout the scheme there will be various landscaping of different levels and the incorporation of the use of public benches in various locations. Materials such as concrete paving slabs will be used and the carriageway will consist of concrete set paving, the cycle lane would have a coloured set to demarcate it as a cycle lane, the central strip would have hard/soft landscaping and coloured floor feature bands....

The scheme will also include new energy efficient street lighting.

The scheme incorporates various bus routes along the route, and at certain points there will need to be vehicular cross overs.

An organic play park is indicated but depending on exactly what is being proposed this may require a separate application.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

DTP reported on a related scheme for the Orange Bastion car park noting that the guns and the walls are not being touched as part of the proposal. The concept for this area is for it to become a memorial park that will enhance the setting of the American Wall memorial. It will also serve as an urban landscape area for the general public to enjoy. The concept is to have a memorial monument which will highlight the start of what could become a memorial walk and create a better setting.

of the scheme includes a water feature and seating area. Treatment materials will be based on the idea of distinguishing general pavement area with the introduction of different materials to different areas.

**DTP-** The scheme is generally welcomed as an environmental improvement. However, the following recommendations/comments are suggested:

- No information has been provided on how the loss of car parking will be managed;
- No information has been provided on the organic park – this may require a separate application;
- It would be preferable to have a 2-way cycle lane. Incorporating the jogging lane with the cycle lane is suggested. It would be difficult to enforce a 1-way system.
- Speed tables should be used for all vehicular cross overs;
- Bicycle racks should be provided;
- Loading areas should be provided;
- The scheme should include for a revised design for the refuse storage area at Fountain Ramp;
- Bust stops should be flexibly designed so they can accommodate bus travel in either direction.

**The Chairman** - suggests creating an island form bus stop so that it can be used on both sides, and questions if there will be more stops on the route.

**JH**-very much welcomes the scheme in terms of enhancement, however she requested clarification on whether the proposed planting of mature trees would actually be possible. Recycling bins and waste is a big issue and feels that it has been completely ignored in these plans. Sewage is an extreme problem, and questions whether the Ministry for Transport will do a modeling for the change of use for Line wall due to the impact it is

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

already having, modeling stages should be presented in stages and how it is going to be handled from now until completion.

**MHYS-** Stated that he is working closely with the Minister for Transport together with Technical Services in order to try to combine concerning the issue of the sewage and traffic, his main concern is to try to work together so that there is minimum disruption. He stated that he will push for a two-way bicycle lane. In terms of Trees and infrastructure underneath the roads, he also stated that all authorities in question will work together.

**The Chairman** – Stated that in relation to Urban renewal, the opportunity should be taken to provide telecoms infrastructure underground so that they do not have to place boxes and cabling all over the building facades.

**JH-** requested a Technical Presentation and explanations on how the matters in question are going to be handled before the scheme is approved

**The Chairman** at this point the Chairman invited Mr Patrick Gomez (PG) and Christian Revagliatte (CR) architects for the scheme to address the Commission.

**PG** Stated that none of the issues raised are in conflict with what has been proposed.

The issue concerning the bus stops- detailed conversations have been held with the Ministry for Transport into how best it would be to resolve this issue. An option could be having central points.

The issue with regards to the modeling of traffic- an extensive modeling is being carried out by MTTP mapped like in Queensway for example to understand the flow of traffic.

The issue of underlying services and the impact of trees is in discussion with different utilities and they will not do anything to damage any services. A great number of new services will be revamped, exact type of trees will be considered with regards to roots of trees, to ensure that they have no impact on cabling. The concern on swift nests and flight paths are not affected by the planting of new trees.

**JH-** Understands it is quite a challenge and it is good to know that all modeling is taking place and questions what is the period envisaged.

**PG** stated that technical issues have to be resolved first but moving forward for an early start. The works will be phased to have the least possible impact on existing traffic, but cannot give a date

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**JH-** Questions the fact that not the whole road would be closing at the same time and that it would be best to try and mitigate that kind of impact.

**JH-** States it is highly unlikely to adapt waste disposal underground and questions in terms of space

**PG-** affirms that it is a very intensive serviced road but it is required to work in conjunction with the Ministry of Environment to sort this issue out

**Chairman** - reinstates the fact that the scheme should be integrated with Orange Bastion scheme.

### **282/20-F/15897/18-FORBES Ex Ready Mix Site, Devil's Tower Road -- Proposed mixed-use multi-storey development.**

*Consideration of request to temporarily extend construction hours during the summer months.*

**DTP-** This is a residential development which is under construction and the applicant has requested a variation to the condition limiting the hours when noise generating works can take place. The current condition limits these to Mondays to Fridays 8:00am to 6:00pm and on Saturdays 10:00 am-2:00pm.

The applicant originally requested longer hours on a temporary basis during summer, however they are now requesting these on a permanent basis. They are requesting to extend the hours to 8:00am-8:00pm Monday to Saturdays

The request was notified to all previous objectors and a ten individual objections have been received. The Representations have been circulated to members together with the applicant's counter representations.,

Mr Pons, on behalf of the objectors had requested to address the Commission and **DTP** welcomed him to the meeting.

**Mr Pons** – Disagrees with the extension, and questions the time frames

**Mr Pons-** says the residents wanted to avoid these hours, and extension times to be extended makes the situation worse for the residents He states that North view terrace is very close to the building site and that the density and concentration of people is now

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

higher than anywhere in Gibraltar. The rock face acts as an echo chamber and the noise is multiplied and makes the living environment unbearable.

The residential dwellings nearby, especially Northview Terraces are inundated with dust and cement all day long, although the vibrations have been tested they have issues with regards damage to residents' dwellings in Northview due to the large vibrations,

**Mr Pons** Explains that Children are now back in school therefore the consideration for children has been ignored.

**Chairman** Asked Mr Pons if he is objecting to any change of timings to the one approved originally.

**Mr Pons**-Replies that in actual fact they are objecting to the original request, and that if they originally objected to 2 hours a day then these change of hours would make their objections even stronger. The original decision with regards to the hours was taken under the consideration for the children during the summer months, and now these children have returned to school and will not have any quiet time after they leave school until 8:00pm.

**Mr Pons** -also makes reference to the situation with regards to COVID and staying at home for the residents has become impossible due to the noise level factor, he states that this has now become a mental issue. The residents do not have any issue in the works taking longer to complete but do have an issue with the hours worked during the day

**JH**- expressed concerns with the overall noise, stating that noise is extraordinary, she asks the constructors if they can use more sensitive equipment to lower the noise level and then consider reapplying for the requested hours to be extended

**Mr Pons**-Doubts that more sensitive material could be brought over to reduce the noise. He once again states that the residents are of an older generation and this has become a misery.

**The Chairman introduces Mr David Richardson (DR) on behalf of the applicants. -**

**DR**- Thanks the Commission and objectors for the time, he is pleased to report that the piling, is now due to be completed by the end of September. He states that once we come out of the ground and the piling rigs the other works will not be as noisy.

He explains that the machinery used have been used with the intention of creating minimal noise. Vibrations are within the British standards and we are taking precautions, we don't want to extend but rather normalize the hours to the planning permit.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

He goes on to say that other projects in high density areas have longer working hours and that the developer feels singled out, they would like the normal working hours like any other construction site in Gibraltar. Once the piling stops the noise levels will reduce immensely

**Mr Pons**- States that he not only does represent North View Terrace, but he also represents the neighbors who are affected within the nearby area. He states that precisely because Northview is an old block and built on the same slab as the construction the vibrations are louder, Mr Pons questioned who will be responsible for the cracks in their dwellings.

**Mr Pons** asks for clarification as to when the pump will be removed and requests a completion date.

**DR** stated-The pump will be removed very soon, and is unable to provide Mr Pons with a completion date as yet. As to the damages, he states" it goes without saying if there is building damage as a consequence of the construction it needs to be looked into". But highly doubt that any damage will be caused because of the distance the Northview has to the site.

**Chairman** - redirects the Commission and states that the matter in question refers to the noise and not to the damages

**JH**- asked if these readings had been taken independently because what may be suitable to an isolated construction site which is different to a construction site with close neighbours. She questioned the period for the excavation process.

**DR**- The vibration monitors set up and are independently recording and they are done weekly and shared with Building control weekly. We have not had any incident of vibration level above the threshold We are not monitoring noise as it not a condition nor have we been asked to do so.

**JH**- asks that if the noise exceeds health standards and they don't feel that they are meeting the standards then maybe the relevant authority should monitor.

**Chairman** - affirms that the Noise issue falls under building control and so if there is a noise complaint then it must be addressed through the correct channels.

**JH**- refers to an exchange of email regarding the noise level on site, and admission of excessive noise in those emails.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**Chairman** - The regulatory authorities should monitor the situation and this matter should be discussed on another forum and not the DPC, the matter here is whether to relax the working times and emphasizes that this is the reason why this has been brought to DPC.

**DTP**- The site is very constrained and the proximity of piling works to neighbouring properties had always been a concern. This was the reason why the working hours were limited in the first place.

The applicant had argued that the extended hours would be better for residents as it would shorten the overall construction period. However, it is clear from representations received from residents that they do not agree.

DTP also advised the Commission that due to noise issues from construction sites the standard condition on working hours has been tightened up. DTP clarified that the working hours condition only related to noise generating activities so for example, plastering work, could continue beyond these hours.

DTP recommended that the current working hours condition should be retained as is and the application to extend them should be refused.

The Commission agreed and the application to change the condition was refused unanimously.

**282/20-F/16259/19-House 6, 8 Naval Hospital Hill -- Proposed alterations and refurbishment of property including extension to rear.**

**283/20-F/16437/19-House 1, 8 Naval Hospital Hill -- Proposed alterations and refurbishment of property including extension to rear.**

**284/20-F/16761/20-House 4, 8 Naval Hospital Hill -- Proposed alterations and refurbishment of property including extension to rear.**

**285/20-F/16762/19-House 3, 8 Naval Hospital Hill -- Proposed alterations and refurbishment of property including extension to rear.**

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

### 286/20-F/16889/20-House 2, 8 Naval Hospital Hill -- Proposed alterations and refurbishment of property including extension to rear.

These items were discussed and decided as outlined below

**DTP-These applications all relate to a row of terrace houses at Naval hospital Hill and will be considered in one report**

**DTP-** Explained that these are ex mod properties consisting of 10 houses set in a staggered form as semi- detached terraced houses, they are split level

**DTP-** stated that a previous outline application had been considered with the aim of agreeing one design solution for all the properties. However, this had not been possible as the owners did not agree on a single design. However, some alterations to the frontages were approved in principle.

**DTP** explained the proposals for each house.

**House No 1-** At the lower level of the property there is an existing terrace area which is not incorporated in the master bedroom, the new design brings the terrace into the property itself. On the entry level at the front the new proposal is to remove an existing planter which is shared with the adjacent property and relocation of the front door, the main entrance to the house. In this particular case the new entrance is relocated in the porch.

It has a side garden where a single storey side conservatory is proposed. It is proposed to extend the height of the existing boundary wall on the north-east side of the garden. At the rear of the property a 2-storey extension is proposed with terrace over.

**House 2 –** On the lower level there is an infill of the internal patio, there is an extension of the living room to the living cupboard area. Also an extension of the current terrace area and then French doors are provided to provide access to the new terrace area, the front area and front door will be reallocated and the existing planter removed and replaced with vertical green walls.

At the rear the existing terrace is enclosed with terraces constructed over at entry and upper levels.

**House 3-** At the lower level the internal patio is infilled with the existing rear terrace enclosed with glass curtains. At the entry level there are minor alterations, in terms of reallocating the front door and on the rear the extension of the dining room into an enclosed a terrace and then creating a terrace over the level below. The upper level will have an extension of the terrace within the center of the building.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**House No 4-** There is a basement level being proposed to create a store area under the building with appropriate access, then similar proposals as to what we have already seen on house 1 2 and 3. The upper level has a skylight over the patio area and in this case an extension of the stair case into a new small terrace area at roof level with access via a skylight hatch.

**House 6** –enclosure of the internal patio. With regards to the rear, the proposal is to square off the existing terrace and also provide access to the garden. At the entry level various changes to the entrance to the building and relocation of front door at the entrance The kitchen and dining room will be extended to the covered area and proposal is to add windows to the rear. The extended bedroom four will be built into the existing terrace area at the roof level and a new terrace created.

**DTP** – reported consultees comments.

DOEHCC- apart from standard conditions solar panels should be installed and bird/bat surveys would be required.

DTP- Generally speaking in terms of front elevation – no objection of the removal of planters and the reallocation of the front doors,

**DTP-** Stated that on rear elevations –terraces that are proposed adjacent to a neighbouring terrace should incorporate a privacy panels between them

**DTP** recommended the following:

**House 1-** No objection with regards to the increase in height to the front boundary wall  
No objection to side extension.

In terms of the rear extension the design proposes glass curtain walling that differs from what is proposed in the other houses. However, the location of this house is such that the rear elevation is largely out of sight and tends not to be highly visible. The Commission will need to decide if this is acceptable.

**House 2-** No objections to rear extension,

**House 3-** No objections to rear extension

**House 4 -** No objections to basement or rear extension

No objection on roof terrace

**House 6-** No objections to what has been proposed on the rear elevation

**DTP-**Highlighted that the Government had subsequently sold the land to the rear of each house to the respective owners for garden use. The use of this land as residential curtilage requires planning permission. DTP emphasized the difference between the use of land

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

and actually constructing anything on the land. He stated there was no objection to the use of the land and that each applicant should submit the boundary of the curtilage so that this could be incorporated into their planning application. The construction of any structure or works to the land would however require a separate application

**JH**-asks if the objection of house 7 has gone through, **JH** -feels that the use of material, which is predominantly glass, will change the feel of the properties. The loss of planters on the roadside is also an issue and stated that they are not green walls and this will not justify the loss of the planters.

**JH**-House no 1 has a generous garden on the side and the proposed side conservatory would be close to a mature tree so the tree should be assessed. In order to protect the green area. **JH** emphasizes the need of a tree survey for the back area

**JH**- this land could be classed as nature reserve and needs to be surveyed and conditions must be given to reserve the corridor of this nature reserve before any plans from the applicants concerning further applications are processed.

**The Chairman**- confirmed that only the use of the land was being considered and that works by each individual owner will have to go through the application process.

**The Chairman**-In terms of material all material have to subject the energy assessment certificate provided by Ministry of environment

**The Chairman**- In terms of trees in particular, assessment have been carried out by the Ministry of Environment and pre protection requirement will be added in the permit so that these trees are protected.

**JH**- Highlights the importance on the loss of planters on the road side

**DTP**- stated that the loss of the planters and their replacement by small green walls had previously been accepted in the outline application

**KB** if the plan is to have a trellis to grow some sort of plants and these plants might require some form of planters to be planted in.

**The Chairman** - suggests that if the site layout and the ground allow will a tree supplement the loss of the planters? This could be contemplated by the applicant. Planting a tree and have a tree line in the drive way could be a condition but the applicant will have to asked to find out if the underground requirement allows tree plants

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

**MHYS-** Is not satisfied with regards to the removal of the planters and that if they are to be lost they could be compensated for by planting new trees at the rear.

**KB-** The extensive use of glass may cause birds to collide into the glass therefore anti-collision measures should be set in place to avoid this.

**JH-** recommends the greenery to be kept due to the roads condition and the heat.

**The Chairman** – In view of the objections by members to the loss of the planter along Naval Hospital Hill he suggested adding a condition that the applicants consider alternative arrangements for the planters such as reduced planter with a tree or a tree without a planter set into the ground and if this is not possible due to underground services then they will have to come back with a solution

### **Voting**

House 1- Approved -unanimous with conditions.

House 2- Approved unanimous approval.

House 3- Approved unanimous approval.

House 4- Approved unanimous approval.

House -6 Approved unanimous approval.

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

**(All applications within this section are recommended for approval unless otherwise stated).**

**287/20-F/14917/17-Flat 22, Rosia Court, 21-23 Rosia Road – loft conversion to include a master bedroom/ensuite and rear extension over existing kitchen to include a bathroom – request for relaxation of Building Regulations.**

The application for relaxation was approved.

**288/20-F/16868/20G-Prince Edward's Gates -- Proposed installation of 'Old Soldier's View' street art mural.**

This application was approved.

**289/20-F/16869/20G-Department of Education, Queensway – proposed installation of street art mural "Touch The Earth Gently For All Is Connected"**

This application was approved.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

### 290/20- D/16917/20-Europa Walks Estate -- Proposed demolition of low-rise structures and free standings walls.

This application was approved.

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

*NB: In most cases approvals will have been granted subject to conditions.*

291/20-	F/15002/17	91 Main Street, Gibraltar -- Proposed redevelopment of the site including the retention of the Main Street Façade to provide a new building for commercial, office and residential uses.
292/20-	F/16795/20	5 Baca's Passage -- Extend partially over the existing terrace; make internal alterations and generally refurbish the existing property.
293/20	F/16827/20	4 College Lane and 160-164 Main Street -- Proposed refurbishment of building facades and shutters, replacement of leaves of wooden windows along College Lane façade of building and waterproofing of roof and terraces.
294/20	F/16840/20	2-2/4 Scud Hill -- Proposed basement extension, internal alterations and construction of terrace.
295/20	F/16866/20	31 - 32 New Passage -- Proposed internal alterations and replacement of windows.
296/20	F/16883/20	Gibraltar Botanic Gardens, The Alameda -- Proposed installation of balustrade.
297/20	F/16884/20	Gibraltar Botanic Gardens, The Alameda -- Proposed installation of railings.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

298/20	F/16885/20G	Ragged Staff -- Proposed removal of tree stump, repair wall and construction of planter.  <i>GoG Application</i>
299/20	F/16893/20	504, 505 and 510 Royal Ocean Plaza -- Proposed amalgamation of three residential units.
300/20	F/16898/20	14 Cemetery Road -- Proposed new entrance to existing first floor apartments.  <i>Follows on from Outline Application.</i>
301/20	F/16903/20	45/2 South Barrack Road -- Proposed refurbishment of apartment and change of windows.
302/20	F/16909/20	7 Lake Ramp Buena Vista estate -- Carry out proposed basement works, minor alterations and general refurbishment of residence
303/20	F/16913/20	3 St Christopher's Court, St Christopher's Alley -- Proposed ground and first floor extension with internal and external alterations.
304/20	F/16933/20	House 8, 8 Naval Hospital Hill -- proposed extension, alterations and refurbishment of property (internal works)
305/20	F/16934/20G	Frontier -- concrete plinth, installation of guard rail, installation of proposed proprietary cabin to replace existing
306/20	F/16974/20	18 Winston Churchill Avenue -- temporary installation of floodlights on west stand
307/20	D/16983/20	18/22 South Barrack Ramp -- residential building loadbearing masonry walls, timber floors and roof2 floors
308/20	A/16962/20	George Don gates, Gibraltar Botanic Gardens, Grand Parade entrance -- two banners, one on each side of

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

the main gates, advertising the alameda wildlife conservation park and the botanic gardens, to rotate to advertise any events etc. That may take place.

- |        |             |  |
|--------|-------------|--|
| 309/20 | A/16973/20  | 15 Queensway Quay old "the landings" restaurant -- new illuminated letterset signage   |
| 310/20 | A/16978/20  | Main Street by post office -- banner   |
| 311/20 | A/16979/20  | Waterport roadway, north mole road, Queensway -- lamp post banners   |
| 312/20 | N/16932/20G | The Convent 304 Main Street<br><br><i>This was a Cupressus Sempervirens Pyramidalis that was thought to be dead. The tree was assessed and confirmed that it was dead and should be removed.</i>   |
| 313/20 | N/16949/20G | Engineer lane gardens<br><br>GoG application<br><br><i>This was an application in respect of a wild Olive tree to remove limbs that lean over a patio. The tree was of average form with a lean over an adjacent patio. The tree does not pose a serious danger but would benefit from balancing. The crown should be cleaned and some of the outer limbs on the west side removed.</i>  |
| 314/20 | MA/16642/20 | 6 Poca Roca Upper Rock -- proposed demolition of existing house and construction of new residence.<br><br>Amendment: the ground level footprint has been extended towards the south to accommodate a bedroom and bathroom for a mobility impaired family member. This has involved minor internal re-planning at both levels. The extension still falls well within the 20% extension of volume under the development plan. External roof access spiral staircase removed as per planning condition. The roof has been converted |

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

into a green roof and incorporates a new overhang for greater shade

**315/20**      **MA/16767/20**      40 Engineer Lane (third floor) -- refurbishment and conversion and extension to approved scheme at third floor level to provide additional accommodation and new roof terrace over for maintenance only

Amendment: minor changes to approved drawings to amend roof terrace now to pitched roof and maintenance area only and small changes to apartment layout below.

**316/20**      **MA/16911/20**      29/35 Engineer Lane & adjacent car park -- proposed construction of building containing 59 residential apartments, 3 commercial units and ancillary areas(now 53 apartments)

Amendment: replacement of masonry wall in north elevation at 6th floor with glazed curtain wall to match 6th & 7th floor external walls elsewhere, adjacent areas.there is no increase in the built-up space or the building volume

**317/20**      **MA/16928/20**      The Cornwall's Centre,Bell Lane/Cornwall's Parade -  
- proposed extensions and alterations to ground floor commercial units

Amendment: 1-at piazza onto cornwall's parade changing from proposed metal railings to wall planter constructed in brick & plastered and painted to match building to include replacing open metal handrail.2-at piazza onto Cornwall's Parade installing red classic k6 phone booth.3- at piazza onto Cornwall's Parade installing awnings to cover unsightly bricked up windows.

## Approved

DPC meeting 7/20  
4<sup>th</sup> September 2020

- 318/20**      **MA/16945/20**      Flat 7e Malvasia House Vineyards Rosia lane -- roof(attic) void converted into habitable space with existing roof structure raise
- Amendment: installation of 2 windows to service the attic void directly above apt 7e Malvasia
- 319/20**      **MA/16965/20**      32a Rosia Road -- demolition of existing structure and construction of a new dwelling
- Amendment: section of solid wall enclosing the south patio to be converted into glass wall. See enclosed drawings.
- 320/20**      Any other business- There was no other business
- 321/20**      Next Meeting will be held on the 17<sup>th</sup> September 2020

**Paul Naughton-Rumbo**

**Secretary to the**

**Development and Planning Commission**

**Approved**

DPC meeting 7/20  
4<sup>th</sup> September 2020