

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4th Meeting of 2021 of the Development and Planning Commission held remotely via video conferencing on 22nd April 2021.

Present:

Mr P Origo (Chairman)
(Town Planner)

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

The Hon Dr J Cortes (MESCE)
(Minister for Environment, Sustainability, Climate Change and Education)

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

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

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety Group)

Mr V O'Reilly (VR)
(Rep Commander British Forces, Gibraltar)

In attendance:

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

Mrs L Mifsud
(Minute Secretary)

195/21-Approval of Minutes

The draft Minutes of the 3rd meeting of 2021 held on 25th March 2021 were approved subject to the amendments previously submitted by JH..

Matters Arising:

None

Major Developments:

None

Other Developments

196/21-O/16334/19-Flat A, 3 Gardiner's Road -- Proposed extension and re-development of dwelling into apartments.

DTP - confirmed that this was a revised scheme. The previous scheme had been deferred and the applicant advised to that a significant redesign was required, that the built up area should be limited to existing boundaries and that set backs should be introduced especially from the listed monument.

DTP- stated that the revised scheme is 7 storeys, comprised 6 apartments, the building has been pulled back into the site and the architectural treatment has been reconsidered

DTP – summarized the new proposal and referred to the inclusion of 6 parking spaces and the installation of small planters and refuse store at basement level.

DTP- highlighted that the building line had been set back on the west and north creating terraces that separated the built elements from the listed monument. The terraces adopted a curved form, tapering to the North and progressively setting back on each successive floor.

DTP- Introduced the Objector- Mrs. Elka Salmon

ES- stressed to the Commission that the objection was with regards to the original deferral made in 2019 where the main objections were due to the loss of parking spaces, encroaching on public land, loss of privacy , building area built on extended site boundaries, adverse impact on listed monument and sewerage capacity.

ES- stated that her objection is maintained on the basis that the applicant's new proposal does not follow the consideration given by DPC on the 1st proposal.

ES- Stated that the current sewerage system is unable to accommodate additional development. The objector stated that the applicant had proposed a solution but stated that the solution with regards to sewerage is not viable

ES- a main concern was with regards to the height of the building; the new proposal carries and extra floor and she stated that this will have an impact and bearing on privacy.

ES- stated that if approved the proposal would result in private developers profitability taking precedence over the interest of the wider community by having a negative effect on the existing occupiers and concluded that the original proposal was deferred because of various negative impacts to the residents within the area.

The Chairman Questioned the applicant concerning the reference made to the red lines boundaries and if the objector felt that, the proposal was encroaching on public land.

ES- stated that the redlines demarcated fall within their remit although coming forward into the proposed parking space the land belongs to LPS and forms part of public highway.

Mr Stephen Martinez **SM** (On behalf of applicant) was invited to address the Commission.

SM- felt that all their efforts had been ignored by the objector; all concerns and opinions, both from residents and DPC, had been taken into account with this new proposal.

SM- Stated that height had been removed from the building and that it was still well within the demise of the property and confirmed that there is no encroachment on any public land.

SM- Stated that they had received 3 letters of support from neighbours as counter representation with regards to the proposed parking area, stating that it would make an improvement to the area and the issue of parking as it would provide a safer and greater area for the nearby residents.

SM- Reassured the commission that the proposal had been improved and all recommendations given by DPC and residents had been taken on board and made it clear that there will be no invasion of privacy as the said proposal will not carry any windows on the rear part of the building.

The Chairman questioned applicant concerning the height of the parapet wall to prevent people overlooking the green space.

SM- stated that although it is 1.1 meters in height the trees would allow the privacy to be kept but stated that they had no issue in setting up a fence if required.

SM- confirmed to the Commission that they could avoid any overload of the current sewerage system by implementing a holding facility.

The Chairman - asked if the proposed central garage opening allows for public parking on either side of its entrance and if so then it should be shown in the full planning application plans if the application is approved. **SM-** confirmed that it is exactly the same as it stands at present. And states that with the current change it would provide a safer area for the residents with regards to traffic.

DTP- then reported on the departmental feedback as follows:

DOE had the standard comments in relation to Swift and Bat Survey, There were no objections from LPS however if there were to be any exceedances beyond the Lease Boundaries then further discussions would be required. The Ministry for Heritage welcomed the changes considered in the revised design as it protects the Flat Bastion Magazine and stated that there could be a requirement for a Heritage License, they would also require an archeological

watching brief. Technical Services and the Ministry for Transport had no objections to the parking arrangements and their requirement is that if the application was approved there should be no parking allowed on the forecourt, that bollards should be installed at the applicant's cost and that this area would remain as public highway. Technical services highlighted the fact that although the sewerage system at this point is private they would need to be satisfied that it could accommodate the additional flow.

DTP- concluded that the applicant had generally tried to address the previous concerns. , The set back was welcomed and highlighted that the fact that the sinuous form and tapered nature of the balconies on the upper floors add visual interest to the building and protect the monument at the same time. There was no objection to the architectural treatment and height of the building DTP stated that the building had no rear windows and therefore there was no overlooking of the property to the rear other than from the roof terrace. The terrace was a transient area that would not be permanently occupied and was set back about 3.5 m from the property boundary with a further 4m to the façade of the property to the rear. In discussions with the applicant the roof terrace had design had been revised to incorporate planters along the rear perimeter of the roof terrace to keep residents away from the edge and once planted would act as a screen to minimise any overlooking. However, members could, if they considered it necessary, require wider planters to further minimise impact.

DTP- Recommend approval of the application with standard to conditions plus additional conditions on sewerage, demarcated footpath across the forecourt, installation of bollards and the forecourt to remain as public highway.

JH-stated that there had been no mention with regards to solar use or on the use of clean energy.

DTP- replied that full details of these would be required at the full application stage if the outline is approved

The Chairman- requested to have the sustainability as a condition on the outline application.

MESCE –stated that the new proposal was not convincing and made reference to the height and the impact it would have with regards to views.

DCM- shared concerns with regards to the height of proposal.

CAM- acknowledged the changes to the frontage, but emphasized that the height is not an improvement to the area and required a reduction in height. CAM also stated that the basement area may require excavation and therefore felt that a watching brief would be required.

The Chairman - suggested that the proposal should be reduced in height by one storey to address the concerns raised.

Members agreed and the application was deferred to be resubmitted with the reduction of one storey in height.

197/21-/17339/21 Gauchos Steakhouse, Queensway / Fishmarket Lane -- Proposed revitalization project proposal

The Chairman - requested that the Commission consider the policy context and provide clear guidance for the applicant.

DTP - stated that the application related to Gauchos restaurant that is located within the city walls but the proposal related to the external seating area facing Queensway.

The proposal involved the removal of the existing low boundary wall and the total enclosure of the open terrace area with a glazed roof structure that adopts an undulating profile. The side walls to the structure would comprise a glazed curtain walling system

DTP- made reference to the two development plan policies, ENV 21 and OTC5, that provide policy guidance that restricts extensions and alterations to Listed monuments and to protecting the setting of the City walls.

DTP summarized the departmental feedbacks as follows:

DoE had significant concerns with the extent of glazing in the context of solar heating gain.

The Gibraltar Heritage Trust essentially sought rationalization and uniformity of design of awnings in front of the City Walls and encouraged good design. It felt that we were failing in having in place holistic plans with regards to the city walls. It recognized that the design had attempted to acknowledge the history of the area and allow visibility of the walls and noted that the structure was intended to be free standing. GHT highlighted that the design was too big and excessively tall and would have an overbearing effect on the city walls. It was concerned that internal shading would be inevitable and the transparency of the structure would be lost. The Heritage also had issues with regards to requirements for air-conditioning plant and the internal layout that appeared to involve building over features such as the existing water trough. It was also concerned with the narrowness of the pavement.

The Ministry for Heritage-stated that the design was an ambitious and aesthetically pleasing the erection of permanent structures in front of the City Walls contravenes policy and would set an irreversible precedent. If approved a Heritage license would be required

DTP- stated that the proposal had been subject to public participation and that no comments had been received.

DTP - acknowledged that this was a high quality that was of visual interest and its wave form referenced the heritage of the area., The extensive use of glazing attempts to minimize obstruction of views of the city walls. However, there is a serious concern as it was considered would inevitable that there will be solar gain in such a building, and that internal shading will be required therefore adding visual clutter to the development, and there were doubts as whether the visibility shown in the plans would actually be achieved. The substantial glazed surface area would effectively act as a glass house. It had been noted that the applicant intended to use solar controlled glazing but with such a substantial glazed area it was inevitable that air conditioning of the building would be required. There were further concerns with the placement of AC units within the site and their potential effect.

DTP - stated that the proposal was not in full compliance with the development Plan policies, the scale and mass of the structure was excessive and overbearing on the adjacent historic walls

having an adverse effect. It was worth noting that the walls in this particular location were quite low and can easily be overshadowed by large structures. The proposed structure would; alter the character and form of the walls by adding a physical structure.

In terms of setting DTP stated that the walls adopted a specific form in this area either side of the main entrance into the town and created what was known as a 'killing zone'. The proposal would impact the setting of the walls in terms of visual obstruction but also effects the appreciation of the form of the walls..

There had been previous concerns with regards to the addition of awnings and other clutter within the terrace area. Whilst a rationalization of the current situation would be welcomed the proposal to completely enclose the external area, and by virtue of its scale and mass was not considered appropriate.

DTP highlighted that the walls have the highest level of protection under planning and Heritage law and it was felt that they were increasingly coming under development pressure. DPC has maintained a policy of protecting the setting of monuments and in particular in avoiding new structures in front of City walls. It is recognised that there are examples of poorly designed structures in front of the walls but that DPC needs to decide to what extent it wants to protect the walls moving forward. The planning policy is clearly aimed at protecting them.

Overall, enclosure of the terrace was not considered acceptable. Alternative shading strategies should be considered by the applicant that should be small scale shades, well designed, such as shades with stretched fabric coverings of more 'sail type' shades. The solution needs to be small scale and significantly less overbearing.

The application as recommended for refusal.

The Chairman - asked the commission if on the basis of the policies the applicant could be guided and advised accordingly to be able to work with new designs

LPS (KV)- concurred with DTP recommendations, but highlighted the fact that temporary structures could ,in some cases, have a greater impact on the monument itself.

The Chairman - would rather have a permanent approved one than temporary as it is impossible to police and monitor, we should work on something that the commission would approve.

MESCE Concurred with PO's point with regards to temporary structures, and stated that the trouble of the design is the glazing issue with regards to the heating. Although he emphasized that the solar glazing system could generate some electricity he questioned if there had been any reports presented to be able to see the outcome of solar gain.

DCM- stated that the proposed design is better that what stands at present, but accepts the points that the commission have made and agrees with KV with regards to having uniformity within the area.

CAM- agreed with the uniformity issue, but has issue with the temporary structures.

DTP- asked the Commission to clarify whether they considered that any revised design should allow for enclosure of the area or be limited to just providing shading. DTP stated that as

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planners they would recommend stand-alone shading structures possibly with the use of stretched covering material and made reference to recent sun shade erected at Kings Bastion.

GM- is not averse to what has been proposed and welcomes design proposed.

The Chairman - stated that the application is deferred to allow further discussions with the applicant.

198/21-F/17360/21G Europa Advanced Road – Proposed raised timber boardwalk and Gorham’s Cave monument site

GoG Project

The Chairman - confirmed that this application had been deferred at the request of the applicant.

199/21-F/17366/21 Units 10,12,14,16 & 18 Cemetery Road, Gibraltar -- Proposed installation of new terrace deck over loading bay

DTP – summarised the proposal for the construction of a terrace deck over the road between 2 warehouses. Minor changes are proposed on the ground floor and a new gate was proposed at the south end of the road. The existing 1st floor balconies to the apartments on the east side would be removed and the new roof decking will be constructed across the road linking both buildings and providing cover to the loading area below. It was also stated that the 2 apartments would benefit from having access to an area of the new terrace equal to the area of their existing balconies.

DTP- stated that comments from departments were as follows:

The Ministry for Heritage required a watching brief

Technical Services Department would require to be satisfied that sight lines could be achieved at the gate but that they objected to any construction over the public highway.

The Ministry for Traffic/Transport had the same objection as Technical Services.

The Objector (Mr Drury) Was unable to connect to the meeting so DTP summarized the contents of his objections,. Mr. Drury is a resident of one of the 1st floor apartments and was

concerned about the loss of open space; devaluation of his property issues relating to maintenance and cleanliness of the roof decking and disruption caused during construction.

Applicant Mr Maurice Stagnetto (Applicant) & Darren Vickers GCR Architects- stated the proposals is to create shelter for all loading and unloading works carried out within the area. MS stated that by having one main access to the area it would alleviate and decongest the area with regards to traffic hence allowing them to operate from one main site.

MS- stated that the concern with regards to the road in question had been discussed with LPS and LPS had no issue. With regards to the cleanliness and maintenance of the area MS stated that this had been looked at and would be taken on board. MS confirmed that construction should take two weeks and that all services with regards to the area would be taken care of.

DTP- highlighted the fact that the applicant had made various revisions to the proposal taking on board the objector's concerns.

DTP - noted that the proposal could benefit the objector as it could reduce noise nuisance and improve air quality. Overlooking and privacy issues were not considered an issue.

DTP- highlighted the main issue being the the objections from the highway authorities over the construction over public highway. It was understood that the applicant had been given exclusive use of this stretch of road for loading and unloading and therefore the road could be considered redundant as public highway. If the road is exclusively for the use of the applicant there seemed little point in retaining as public highway and that the highway authorities had confirmed they would have no objection if it was not public highway.

DTP suggested that permission be granted in-principle subject to the road being declassified and suitable licensing/leasing arrangements made for its use by the applicant.

DCM- requested to defer application in order to clarify the public highway issue

KDS- Confirmed that under the terms of lease held by applicant no one else can access the area other than themselves, therefore it would only be a matter of recognition and leasing the road either by supplementing it to the lease or by form of license.

The Chairman- requested to approve the structure subject to rectification with regards to road

DCM-concurred with PO with regards to setting a pre-condition for clarification purposes.

JH- requested clarification as to whether the issues made by objector had been resolved.

The Chairman - stated that planning report had shown that planning concerns had been addressed.

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The application was approved in principle with conditions relating to watching briefs, sight lines and maintenance of roof terrace, and that no permission would be issued until the issue of the public highway was resolved.

199/21(b)-F/17381/21G-Central Hall -- Proposed installation of stained glass window to currently boarded up window void (design has been selected after competition was held).

DTP - Explained that the proposal is to replace the windows of the East gable with a new stained glass window the design of which was the result of a design competition.

The Heritage Trust had no objection with proposal and understood that the timber frames were to be retained and refurbished. A heritage License would be required and details of the refurbishment of the timber frames needed to be submitted.

Ministry for Heritage- had the same requirements as the Heritage Trust.

DTP - there were no objections subject to the restoration of the existing frame.

The application was approved.

Minor and Other Works- not within scope of delegated powers

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

200/21/16011/19 Papi Lights Pier, Southside of airport runway -- Proposed demolition of pier extending into Marina Bay area which houses redundant Papi lights.

This application was approved.

201/21/O/17365/21 Villa Lusardi 11, 21 Little Genoa, Sir Herbert Miles Road -- Proposed extension to house No.11, situated at mid-terrace level, below Sir Herbert Miles Road.

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.

202/21-F/16723/20 Jetty no. 4, North Mole -- Proposed relocation and installation of six fuel storage containers and supporting infrastructure

Consideration of revised layout and elevations which increase bund wall height to 1.875m to comply with Condition 2 of Planning Permit No. 7684 which required 100% bund containment of the total capacity of the fuel storage containers

JH- stated that the fact that the application had come through a subcommittee approved pathway, was something that JH strongly objected to.

JH-Made reference of the wide discussion that had been made on previous meetings with regards of the location and proximity to the new residential estate and stated that it was clear that recommendations made by DPC at the time was to have the best available technology applied to prevent nuisance and pollution issues.

The Chairman - confirmed that permission has been granted with all conditions required by the Commission and confirms that the conditions JH referred to when the application was discussed as and when DPC was taking its decision to grant planning permission had been included in the permit.

203/21 /F/17032/20 7 Market Lane -- Proposed extension on roof terrace to enclose the gap between the two existing single storey outbuildings to create a two-bedroom apartment.

204/21- F/17091/20 44 Turnbull's Lane, Gibraltar -- Proposed demolition and reconstruction of balconies.

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- 205/21- F/17114/20** 37/A/1 Engineer Lane -- Proposed fit-out of existing commercial unit and new mezzanine.
Consideration of revised plans for internal changes to second floor layout.
- 206/21- F/17124/20** 1008 Seashell House, Beach View Terraces -- Proposed internal alterations and change of balcony doors.
- 207/21- F/17170/20** 8 - 14 Devil's Steps, Devil's Gap Road -- Proposed construction of an additional storey, swimming pool and store room on top floor level, new external staircase, alterations to fenestration and façade of building.
- 208/21- F/17229/20** 402 Imperial Ocean Plaza -- Proposed installation of glass curtains.
- 209/21- F/17292/21** House F, Devil's Gap Battery, Green Lane -- Proposed construction of side extension to property and redevelopment of terraced areas.
Follows on from Outline
- 210/21- F/17294/21** Ground Floor, New Harbors Yard -- Proposed installation of emergency power generator for offices located above and installation of exhaust flue.
- 211/21- F/17318/21** Flat 22, Rosia Court, 21-23 Rosia Road -- Proposed minor alterations and extension to patio and installation of new pergola.
- 212/21- F/17320/21** Flat 11, 4 George's Lane -- Retrospective application for minor alterations to apartment premises.
- 213/21- F/17324/21** 144 Main Street -- Proposed refurbishment of second floor apartments including replacement of roof finish with new roof covering system.
- 214/21- F/17329/21** 3 Aloe house, Waterport Terraces -- Proposed installation of awning.
- 215/21- 1F/17331/21** 284 Main Street -- Proposed change of shop entrance from non-see through shutter to transparent see through door of the same colour as the adjacent window.
- 216/21- F/17335/21** 6/5 Parliament Lane -- Proposed minor alterations and refurbishment of premises.

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- 217/21- F/17336/21 4-3 Lime Kiln Steps -- Proposed reduction in size of existing window opening to adjoining property.
- 218/21- F/17337/20 Units 18 and 19 Lathbury Industrial Park -- Proposed extension to warehouse.
- 219/21- F/17338/21 Commercial Unit 1, Imperial Ocean Plaza -- Proposed fit-out of commercial premises.
- 220/21- F/17344/21 72 Rosia Dale -- Proposed conversion of the attic space into a bedroom with ensuite bathroom and storage.
- 221/21- F/17345/21 601 Europlaza, Block 2, Harbour Views Road -- Proposed installation of glass curtains.
- 222/21- F/17356/21 917 Seashell House, Beach View Terraces -- Retrospective application for installation of glass curtains.
- 223/21- F/17358/21 508 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains.
- 224/21- F/17398/21 Unit A, 6 Kings Street -- Proposed change of use from two offices into an apartment.
- 225/21- A/17368/21 181 Main Street -- Proposed change of lettering on fascia sign from Debenhams Home to Emporium Home.
- 226/21- A/17383/21 39 Cumberland Road -- Proposed projecting sign
- 227/21- A/17388/21 ICC 1A Main Street -- Proposed replacement of fascia signs.
- 228/21- A/17427/21 51 51 Irish Town -- Proposed installation of projecting sign.
- 229/21- N/17353/21 49 Europa Road -- Proposed removal of *Olea europaea*.

*This tree application sought to remove an *Olea europaea* due to structural damage and replace with six additional trees within the property. Whilst the tree is fairly large it is considered to be of average to poor form and there is some damage to the adjacent path, retaining wall and swimming pool caused by the roots of the tree which have previously been repaired. An engineer's report also confirmed that the structural damage caused by the tree will continue. It was considered that the tree could be removed once the additional planting has taken place and a shrubs planted on the site of the tree.*

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230/21 T/17370/21

Holy Trinity Cathedral -- Proposed removal of Ivy on old *Styphnolobium japonicum*.

*This tree application sought to remove Ivy from a large and very old *Styphnolobium japonicum* which is the subject of a TPO. Measures have been taken to make the tree safe, however, the weight and further damage from the Ivy will compromise the tree in due course and thus the hazard rating is high. It was considered that all the Ivy should be removed to lighten the load on the tree once the bird breeding season is over and then assess the condition of the trunk and branches.*

231/21- MA/16828/20

Castle Road/ Fraser's Ramp - Proposed re-development of three existing buildings into a new residential development comprising 38 units and ancillary accommodation.

Consideration of proposed colour scheme to discharge Condition 7 of Planning Permit No.6425A.

232/21- MA/17314/21

New Aloes, John Snow Close, Europa Road -- Proposed construction of lap pool extension to the existing swimming pool.

Consideration of minor amendments to the position and layout of proposed pool as well as creation of a pool room and garden storage under the swimming pool and construction of a natural stone wall which will be screened by planting (new, existing and relocated).

233/21- MA/17382/21

New Aloes, John Snow Close – Proposed construction of lap pool extension to the existing swimming pool.

Consideration of minor amendments to the position and layout of proposed pool as well as creation of a pool room and garden storage under the swimming pool and construction of a natural stone wall which will be screened by planting (new, existing and relocated).

234/21- 1555/P016/20

1C Engineer Road -- Proposed repainting of facades of the building.

Consideration of revised painting scheme for building.

235/21-

Any other business. There was no other business.

The next meeting will be held on Thursday 27 May 2021.

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Paul Naughton-Rumbo
Secretary to the
Development and Planning Commission