

THE DEVELOPMENT AND PLANNING COMMISSION

AGENDA

Minutes of the 5th meeting of the Development and Planning Commission held remotely via video conferencing on 20th May 2022.

Present:

Mr P Origo (Chairman)
(Town Planner)

The Hon S Linares (MHEYS)
(Minister for Housing, Employment, Youth and Sport)

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

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

In attendance:

Mr P Naughton-Rumbo
(Deputy Town Planner)

Mrs L Gonzalez
(Minute Secretary)

Apologies:

The Hon Dr J Garcia
(Deputy Chief Minister)

Approval of Minutes

195/22 Approval of Minutes of the 4th meeting of 2022 held on 22nd April 2022.

Ahead of the discussion on the approval of the draft minutes MESCCE asked, in relation to the Eastside application, whether the reference to land in the decision to condition the relocation of the branded residence tower could include the pier. The Chairman confirmed this to be the case. The Commission therefore agreed that the condition to relocate the Tower did not exclude the possibility of repositioning within the proposed pier, subject to acceptance at Full Planning.

The draft minutes of the meeting held on 22nd April 2022 were unanimously approved.

Matters Arising

196/22 -F/17910/21-5 Straits View -- Retrospective application for terrace extensions to property and ancillary items and new works to chimney stack.

DTP reported that this application had been deferred at the last meeting to allow a site visit to take place

The applicant, Mr Vela, addressed the Commission.

He stated that the site visit showed clearly that the chimneystack is inside his property, the storeroom is attached to his wall and Mr Winwood does not have DPC's or his permission to build the permanent structure. The permanent structure of the chimney is not being used and has been made redundant. He said walls to his property need to be rendered and cannot be rendered due to the chimneystack and the storeroom. The structure of the chimney is unsafe and safety aspects need to be considered.

The Chairman asked the members for any questions. There being no questions Mr G Stagnetto, legal representative for the applicant was invited to address the Commission.

Mr Stagnetto apologised for the misunderstanding in respect of the date of the site meeting. He stated that these are private right issues between Mr Winwood and Mr Vela and this will need to be sorted out between them. The claim that works having been undertaken by stealth is unsustainable as these structures have been there for a number of years. Purely on Planning grounds his view is that the structures should be given retrospective Planning Permission as these are in keeping with the nature of construction around the area. Planning Permission should be given and could be subject to any resolutions between the parties.

The Chairman asked Members if there were any questions.

MHEYS said it was good to see things that had not been regularized for many years are being dealt with now.

The Chairman said from a Planning point of view we do get many retrospective applications through the system. Many require Certificate of Fitness for unauthorized works and these are being regularized once the applicant complies with regulations and planning requirements.

The Chairman asked DTP to sum up.

DTP said the department's views had not changed since the last recommendations were made. The DPC needs to look at the merits of the application and only take into account Planning considerations and that private rights/ownership are matters for the parties concerned.

The building is of utilitarian design with no specific architectural merits and it is considered that the proposed development does not have any adverse visual impact nor affect the character of the building. It was recommended that retrospective Planning Permission should be granted.

JH asked whether the safety of the chimney had been assessed by Building Control or the Environmental Agency.

The Chairman said the top part of the chimney has been removed on advice of the Environmental Agency. The construction of the chimneystack will be assessed, should it be approved, by the Building Control Section. Structural stability on the three parts of this construction will have to go through Building Control so that the building approval can be granted.

The Chairman asked if the Commission agreed with the recommendation to approve the application.

The application was approved unanimously.

Major Developments

197/22-F/17672/21-Ex Toc-H Site -- Proposed development of a boutique hotel and spa.

DTP referred to a Design statement and Cultural Heritage Impact Assessment that had been circulated to members.

He reported that there are modern building within the site dating from the 60's, 70's, and some Heritage Buildings as well including the Powder Magazine and the Barrack Sheet Master House.

Outline Planning Permission was granted in 2018 for a Hotel with restaurant, bakery, pub, and Health Spa. It included construction over the Powder Magazine with removal of the roof and reinstating it at a higher level. A number of points were established by the previous decision:

- buildings adjacent to Charles V Wall should be kept below the height of the wall.

- Allow addition to the Powder Magazine provided the majority of structure is retained and the value of Magazine is not lost;
- waiving of car parking requirements because of the peculiarities of the site.

The current application is for a proposed Boutique Hotel and Spa.

DTP summarised the scheme highlighting:

- Original stone arch and blast walls of the Powder Magazine are being retained.
- Additional storeys are built over the Powder Magazine but the gables are retained and incorporated into the 1st floor;
- Additional storeys are added to the Barrack Masters Sheet House and decking at eastern side provides access at upper levels.
- A lift and staircase are proposed on the east side located outside the bastion walls
- On 2nd level a restaurant and seating area is proposed with decking overflying the bastion walls in part.
- The higher building elements are located to the south of the site so they are not so visible over the bastion walls when viewed from the North.

DTP then played a video provided by the applicants.

DTP referred to the findings of the Cultural Heritage Assessment. This found that in general South Bastion is directly affected by the proposal but there are beneficial effects, retaining of Historical Structures and features, and less demolition than the previous scheme. The assessment welcomes the design and bringing this derelict area back into use. The recommendations were:

- a Heritage License would be required.
- detailed action plan would need to be agreed,
- recording of any features on site and
- an archeological watching brief.

In relation to trees, the scheme involves the removal of 14 trees and a palm tree to be relocated and 10 new trees to be planted on site.

DOE have carried out an assessment and agrees with most of the findings but want some trees to be retained, a pomegranate near the entrance and wild olive tree to be retained, reducing and cleaning crown of palm trees and relocation of a sweet bay tree.

There are no car parking spaces being proposed. There is no issue with the loading bay on site but the proposal to use one of the on-street parking spaces as a service bay was not accepted by the Traffic Commission.

On Sustainability they are predicting an A rating on energy efficiency and carbon dioxide emission, geothermal, solar panels, rain water harvesting, shading from building and retention of trees and new trees and water features that would add cooling to the area, and incorporation of green roofs.

DTP reported that:

DOE welcomed the statement on renewables.

GHT supports the re-use of the site and they are in principle against the changes to the Powder Magazine but would not object if it meant that the redevelopment of the rest of the site could proceed. They agree with the main recommendations of the Heritage Assessment. They have issues with the cantilevered deck, which goes over the Bastion Wall, the lift and the stairs which are all on the external side for the walls. They say there is already a central staircase and lift within the site and access to the upper deck may be possible via the rear service entrance.

Ministry for Heritage welcomes the scheme and notes there will be some impact but there are more positive than negative sides to the development.

Ministry of Equality would require further work on accessibility.

TSD needed clarification on the interaction between the lift and stairs and walls.

DTP said the application was subject to Public Participation and that no comments were submitted.

DTP acknowledged this is a sympathetic design and that the use is acceptable, it follows the previous principles of visual impact, retains the Powder Magazine and incorporates the gables into the storey above.

The cantilevered deck over the wall, external stairs and lift are considered to have a negative visual impact on the listed structures DTP emphasized the need to be consistent in decisions and to protect these listed buildings. DTP recommended approval subject to the lift, stairs and cantilevered decking being omitted and a revised plan submitted. If the applicant complies, then the revision could be dealt with by the Subcommittee and general conditions would be added to include green roof, signage, and bird and bats surveys.

JH said she was curious and happy to see that a number of mature trees being incorporated in to the development and the Department of Environment are looking into what can be preserved beyond that. She raised concerns on the heavy structure at the front and asked the applicant if he could comment on that and if there were any alterations that could be done to this.

The Chairman said he would ask MESCH to speak before inviting the applicant as the questions could be argued simultaneously.

MESCH said comments on trees are relevant to what JH said and agrees with the tree assessment done by the Department. Some large trees are to be retained and some need some work as these trees have not been managed for years. They wanted to remove the pomegranate tree as this will attract the macaques, but the whole area will be subject to visits from macaques.

The proposal will be subject to a Heritage License. He commends the changes in reducing the impact on the Historical structures and not having the development looming over Charles V Wall to the North., he stated that it is the best proposal he has seen yet for this site. He shared concerns on the Eastern access area and thinks they could work on that. He was concerned

with the stairs and lift and queried whether it can be reduced or moved to the corner of that area and screened by trees. He would like the external area to remain as a public area.

The applicant Mr Simon Vaughan (SV), and architects Ruth Massias Greenberg and Paul Passano (PP) were welcomed to the meeting.

PP confirmed that they had focused on moving the massing away from the walls and working with existing trees and structures. The proposed external staircase was required as a fire escape and the lift was proposed as an added accessibility feature to the restaurant. He said that had looked at the possibility of removing the lift and keeping the stairs and screening these.

SV said there was room for compromise on the lift and staircase. he said they could remove either one or the other.

CAM said the scheme would create a beautiful space within what could be a beautiful monument. She considered that allowing the cantilever deck would set a dangerous precedent. In relation to the lift and stairs she referred to the service entrance and main entrance and that a third access was not necessary.

The Chairman suggested approving the application in line with the planners' recommendations

CAM agreed approval with conditions and continuing to work together with the applicants.

The application was approved in line with the planning recommendations.

Other Developments

198/22 -F/17050/20-15B Northview Terrace -- Proposed re-routing of existing kitchen extract vent from east facade to north facade.

DTP reported that this was an application to re-route the takeaway's extraction system from the east façade to the North façade.

The application had previously been deferred due to concerns about proximity to neighbour's windows. A revised submission has been submitted involving routing the ducting between the new Forbes development and North View Terraces and venting to Devil's Tower Road behind a louvered screen.

The objection received to the revision was to any structure being fixed to North view Terraces.

DTP considered that the vent was away from any windows and the system included double filtration. The revised application was recommended for approval.

Application was approved unanimously.

199/22-F/17342/21-29 - 33 Governor's Parade and 5, 7 and 9 Town Range -- Proposed hotel development.

DTP referred members to the representation and counter presentations for the revised scheme together with further statement from the applicant that had been circulated.

DTP stated that Albany Lodge and Calpe Lodge were two plots that are connected by a narrow corridor on the East side.

In 2010 Outline permission was granted for a hotel and in 2014 a full application was granted for the demolition of Albany House and the redevelopment of the site for a 7 storey building.

The current application was for refurbishment of Calpe Lodge with 2 additional storeys with a roof terrace over that. A 7 Storey building was proposed on Albany House site for hotel use.

In respect of Calpe Lodge, the previous scheme was deferred due to concerns with the 2 additional storeys that it was considered should have set backs, the glass balustrades should be replaced by railings and concerns with overlooking from the roof terrace

In respect of Albany House there were also concerns with the top two levels that should have set backs at both levels, concerns about the bland nature of the South Elevation, and that there should be consultation with the Garrison Library to assess the impact of this new development.

The revised plans have introduced progressive sets backs, replacement of glass balustrades with railings and planters on the perimeter of the roof terrace to avoid overlooking from Calpe Lodge. On Albany House they introduced set back on the 5th floor and the Eastern Side terrace will only be used for maintenance purposes. Setbacks have been introduced on the western elevation and railings added. On the southern elevation glass panels which are formatted to look like windows, have been included

There were no comments from consultees.

The revision was subject to public participation and the two previous objectors were notified with only one responding to the revisions. They have concerns with shadowing, objections to 5th floor balcony, concerns with safety, security and privacy as ledge overhangs the objectors' patio and concerns on drainage. The concerns on the 3 windows on the east side have been addressed by now incorporating opaque glass panels.

The applicant submitted counter representations maintaining that there is sufficient daylight to nearby buildings and the 5th floor terrace is only for maintenance purposes and no issue with drainage as this will be internal.

Mr Kingsley Thorogood had requested to address the Commission and his presentation had been previously circulated.

Mr Steven Martinez(SM) agent said they had worked very closely with the Department and that everything asked of them had now been addressed. He said Mr Thorogood wanted to address the Commission.

Mr Kingsley Thorogood (KT) stated that the plans being considered were submitted by his agent in good faith but that it made the scheme unviable. KT did not agree with the setback to be doubled, that windows in the south wall should not be denied and for the fire exit at the south to be granted. He said this would be a Heritage based hotel and will benefit the Community.

MESCCE confirmed that a meeting had been held with the Garrison Library and the applicant and all the issues were resolved.

MESCCE sought clarification on whether KT was now not supporting the scheme currently under consideration.

The Chairman confirmed that this was the case as KT does not consider the revised scheme viable. The Chairman stated that the department were going to have recommended approval of the revised scheme. He asked KT whether he wanted the Commission to vote on the submitted scheme or to defer it.

A long discussion ensued and it was agreed to defer the application.

200/22-F/17428/21-29 Hospital Ramp -- Proposed internal and external refurbishment of building.

DTP reported that the application involved external and internal changes to the existing building. A number of representations and counter representations have been submitted and circulated to members.

The proposal involved internal alterations and a side extension to the South side with a staircase to all levels of the building within the existing patio.

A new window is added at 1st floor on the North elevation and the existing pitched roof is removed and replaced with flat roof terrace.

A privacy screen is proposed on the roof terrace around an adjacent window at the rear and a second one to the North perimeter to provide privacy to an adjacent window. The fenestration is changed and aligned and traditional features such as shutters and quoins introduced and a concrete balustrade is proposed around the roof terrace.

Ministry for Heritage had no objections to the refurbishment but had concern with the loss of pitched roofs and the use of timber windows and shutters should be incorporated.

Mrs. Angie Tavares(AT), an objector was invited to address the Commission.

AT commented that a number of revised plans had been submitted before the meeting and that she had not had time to review these.

The Chairman said the reason for this would be explained in the Planners Report.

AT said she was representing the Management Company for 27/29 Hospital Ramp. The building has historical value and dates from 1758.

Her main concerns were:

- party wall issues;
- Loss of privacy due to location of her windows relative to the proposals;
- Proposed screens would deface a heritage building;
- Roof terrace would result in people standing against her walls;
- Reduction in property value
- Security
- Loss of ventilation
- Impacts on birds.

Ms Claudia Shield (CS) was invited to address.

CS resides on the ground floor flat with the walls of her property adjoining to the back wall of the applicant's property. Her concerns were:

- Excavation works for garage could affect structural stability of her building;
- Potential fumes from garage affecting her property due to location of vent close to her property
- Loss of privacy

Mr D Vela(DV), the applicant addressed the Commission. He said he had made the neighbours aware of his proposals. He said he had received objections from neighbours and tried to come to an agreement but this was not possible with 27 Hospital Ramp. Their main problem being the proposed terrace and he said that he had proposed a number of options. The garage does not extend as far as CS's wall and would be encased in a concrete structure so no gasses would escape. The vent on the North elevation sits beside the chimneystack and is likely to be part of the chimney. It is not connected to the garage The external window overlooks the highway and not necessarily overlooking CS's patio.

JH asked DV if he knew what the ground conditions were like.

DV said tests have been carried out and they have found soft earth. Structural calculations have already been prepared in order to proceed with the excavations and the garage. Risk assessment and method statement will be in place and any contractor will need to carry out these works in a safe manner.

JH said she had been on site and walked around the building and looked at how the application might affect the livability questions raised in terms of proximity to windows and asked if DV was flexible at all in the verandah structure, and asked if he could reach a compromise.

DV said he was open for discussion and said he had given them three options in terms of window replacement, shutters, and planters and is more than happy to discuss further needed.

CAM said an Archeological Watching Brief was needed for the garage excavations. On the roof terrace, CAM asked if he would consider reducing it in a way that introduces a pitch roof that would maintain the privacy for windows at the top flat number 27.

DV said in terms of the excavation he would need to get the appropriate permits in place before he could proceed. In order to maximise outdoor space he would rather keep the proposed terrace. In terms of the pitched roof, one of the options given to Mr and Mrs Tavares was to have a sectional roof to create a barrier to their windows. He said he would be up for discussions but would rather keep the terrace.

DTP presented the Planners Report stating that the overall height and massing to their extension is acceptable, the staircase is set into the site so will have limited visual impact from the street. On the Northern, façade a window has been removed on the second floor level to avoid any encroachment issues. The remaining proposed window on this facade is beside an existing window and is a corridor window. the front patio of the adjacent property is an external area facing the road and is already overlooked by an existing window on the North elevation of the building. The proposed additional window and roof terrace are not considered to cause significant loss of privacy. The roof terrace is off-set to the side of one of the objector's windows at the upper level and the applicant suggested a screen on that side to maintain privacy further. The revised plans referred to by AT were in relation to the turning circles of the garage access and other details requested by the Traffic Commission and Highways Authority. The applicant had also taken the opportunity to show the proposal for an additional screen to the north perimeter to address AT's concerns with possible overlooking

DTP said the that on party wall issues, even if Planning Permission were granted the applicant would need to seek permission from the owner of the building. Structural issues relating to the garage and whether this would affect the water tanks would be assessed under Building Control.

In response to Ministry of Heritage's reference to the loss of the roof he said that this was not a traditional roof and other flat roofs have been allowed elsewhere. They also referred to the windows and shutters should be timber but in this case, existing windows are not timber and in

line with planning policy other materials can be used. DTP commented that the proposed concrete balustrade resulted in an overly heavy appearance to the roof terrace and recommended that railings be used instead

DTP stated that in respect of the garage, the Traffic Commission still had to clear the technical requirements.

The recommendation is to approve the application subject to conditions for the garage and other conditions such as privacy screen, change of balustrade to railings on roof terrace, Archaeological Watching Brief and swift surveys and provision of nests.

JH referred to the long standing traffic problems in the area, narrowness of the road, people trying to access schools and that this is clearly a heavily impacted area and needs to be strongly noted. In terms of zoning, there is plenty of opportunity to park ones' car. Establishing the historic value of the building should be taken into consideration when a decision is taken.

The Chairman noted the Traffic Commission would consider the access issues. He noted the objectors' comments on the heritage value. He also noted that permission had been granted for an upper roof terrace on the property to the rear and that it had been permitted after assessing the impact on that building.

DTP said the MH have assessed the proposal as well and there were no objections in principle to the Development

Mr Dinwoody was asked to address the Commission at this point (as he had been unable to join earlier). He said he was objecting to the garage as the water tank could collapse and damage the rest of the building.

DTP said all structural issues are assessed through the Building Control system not through the DPC.

The Chairman said the development would not be allowed by Building Control until they are satisfied that there will be no adverse structural effects on adjoining properties.

CAM said on the value of the building it has a value overall and contributes to the network of the Old Town and the proposal does improve the streetscape and feels the issues of overlooking on the terrace are significant. She said by introducing a half pitch that comes away from the building behind would still allow ample space for the terrace and the half pitch would keep light coming into the rear building and wouldn't be as dark as privacy screens on the vertical plane. This would allow terrace space and neighbours' privacy.

The Chairman commented that the objector has an approved terrace on the upper floor which would overlook the applicant, so privacy is compromised both ways.

CAM said the half pitch might actually allow privacy looking from the top down as well.

The Chairman asked DV if he would be amenable to CAM's proposal.

DV said he would rather keep the full extent of the roof terrace.

The Chairman asked the Commission to take a vote on the application as submitted:

In Favour - 7

Against - 1

Abstentions - 3

The application was approved by majority vote.

201/22-O/17853/21-10 Willis's Road -- Proposed demolition of existing property and construction of 5 no. town houses comprising three x dwellings and four x duplexes, associated gardens, undercroft parking and access alterations.

CK presented this application.

This is an existing part 2 and part 3 storey building with ancillary car parking and swimming pool. This building has heritage value but has not been listed.

Main dwelling has a very distinctive façade with arched windows at ground floor level and a half round colonnade bay with arched windows. Ground floor part is original with upper floors added later on.

In 2017, Full Planning Permission was granted for an extension and refurbishment of the property to be reused and a replacement pool. Works did commence on site and this has been confirmed by Building Control. The works stopped, the site was sold, and it has been left untouched since, with floors partially removed, windows uninstalled, and timber flooring removed.

The current proposal is to demolish all buildings on site and construction of a 5-storey building which will provide 7 dwellings, 3 Town Houses, and 2 Duplexes, underground parking, and shared access courtyard parking provided in line with Parking Regulations

CK said in terms of sustainability proposals included air source heat pump, water recycling, PV panels and solar water heating. The applicant has commissioned a condition survey of the building along with a design statement, which concluded it would be more cost effective to demolish and rebuild as they considered the building had no heritage value and the building, in the Engineer's opinion, is beyond economic repair.

DOE welcome PV panels and general standard condition on zero energy buildings, sustainability statement etc. to be submitted in the full application.

GHT does not support the proposals as demolition of building has been proposed without an Archeological Desk Based Assessment and seeking to maximise the plot in terms of scale and surroundings.

Ministry of Transport said the proposal complies with the regulations, sightlines and turning circles must be submitted if it were approved.

TSD had no objections although have technical requirements on retaining walls and sight lines.

CK said the application had been subject to public participation and one objection was received on behalf of 22 residents.

Moundir Benhakim (MB) addressed the Commission on behalf of the objectors. MB said the character, the scale of the development is completely at odds with the surrounding Landscape and Townscape, and this would cause loss of Ecological Habitat, as the proposal would affect the birds, which dwell in the vegetation. This development would cause visual impact, loss of light and loss of privacy. MB said there could be an adverse effect on the structure of buildings around and the water tanks beneath. This will have an effect on the characteristic nature of the neighborhood and quality of life should this be approved.

The Chairman invited the applicant to address the Commission.

Ruth Massias Greenberg(RMG) and James Brening (JB) addressed the Commission.

RMG considered the massing and scale to be acceptable and that they had taken into account the Old Town Design Guide. She referred to precedents in the vicinity. She felt the proposal would improve biodiversity

The Chairman queried why they had changed the scheme from that already approved and why the building had been allowed to deteriorate.

RMG said different owners have different ambitions for the site.

The Chairman asked how they could justify the need to demolish when the previous permission did not raise structural concerns as an issue.

JB said when they purchased the site in 2020 and a report was commissioned in 2021 and that by that point it was derelict. Works had been started and the building left open to the elements and years of exposure have taken its toll. The report came back that it was not viable to retain the building.

The Chairman queried RMG as to why the building could not be retained referring her to a previous application at TOC-H discussed earlier in this meeting where they have been able to do so.

RM responded some of those buildings were reparable.

CAM said the Structural report cannot be taken as justification for the demolition of the building as it has certain inaccuracies such as dating the building as 50- years old when it can be dated to before 1865 although it has had some later additions. CAM also highlighted the lack of a detailed inspection of the building and that she does not agree that there is no significant heritage value to the building. She said the issues with the Structural Report need to be looked at in detail before even considering what could replace it.

JH said she agreed with CAM's points. She said the existing plot has a unique charm and it is nestled in a much built up area providing a green lung and it is a pity that every square meter is being covered in concrete. She thought it was an overbearing style of development. The structure should be kept and vegetation maintained, not a complete end to what is there now.

JB said each of the properties has a small garden and provides open space did not consider that it was a solid block as mentioned.

JH asked for their view on redesigning if it was decided that the building should be retained.

JB said he would submit a Planning Application and if part of the building could be retained, he would work on how to do that.

The Chairman asked the Members if they had any other comments.

CK presented the Planners Report.

There is an existing permission that retains the building. The applicant purchased the site knowing this and has done nothing to prevent deterioration of the building.

The existing building is prominent and makes a positive contribution to the area. The site provides a break in the streetscape looking up and down Willis's Road. The applicant has accepted that the building makes a positive contribution to it as he has provided a structural condition report to try to justify its demolition.

The condition report is not sufficient justification for demolition but just indicates its more cost effective to demolish.

The applicant has not submitted any supporting information such as an economic feasibility report justifying the case for the demolition, which is also required as evidence with the Old Town Policy. It is considered therefore that the building should not be demolished.

In terms of what is being proposed it is considered that the 5-storey building is a complete over-development of the site in terms of massing, density and scale and would result in a single solid mass running across this part of the Old Town.

MESCCE said he was shocked at the implication that the building has no significant heritage value just because it is not scheduled. Scheduling of buildings is a matter that is in progress, private buildings have not been scheduled yet and they are working with property owners. He said he was going to refer this building to the Heritage and Antiquity Council. He considered there was a significant loss of green area in the middle of the urban area. He said he is responsible for Urban Renewal and the style and volume of the proposal in this location is uncoordinated with the Upper Town, he does not support the application.

The Chairman asked any other comment from Members.

No Members wished to comment.

The Chairman asked the Commission if they wanted to vote or if they were unanimously supporting the recommendations of the Town Planners Report to refuse the application as submitted.

JB asked if the proposal could be revisited and looked at again to see whether the building could be retained.

The Chairman said that it could not be done through the current applicant and this would have to be submitted through a new one and a decision has to be taken on what has been submitted today.

The application was refused unanimously.

202/22-F/17885/21-6 Medview Terrace, Catalan Bay Village -- Proposed conversion, extension and refurbishment of property.

DTP explained that the proposal involved the refurbishment of the property with a front extension to the South East corner of the site over 3 storeys. The removal of the existing mono pitch roof and a storey added over the whole floor plate of the site with a roof terrace with skylight access. DTP referred to other permitted extensions in the vicinity.

Housing Department had originally objected to the application however LPS subsequently confirmed the area had been sold to the applicant and despite being consulted no further comment has been received from the Housing department.

DOE had standard conditions including swifts and bat surveys and nesting.

GHT had no heritage objections but they did say the visual impact has to be assessed.

MH requested further information on the impact on the streetscape.

DTP said the application was subject to public participation and no comments were received.

DTP said that the principle of a vertical extension has been accepted by the Commission in previous cases. The other cases have open terraces on the upper level, which helps reduce visual impact on surrounding areas. The current proposal results in the building line moving forward and rising to 4 storeys in height with no terraces. This will have a towering effect over the adjacent areas and would set a precedent for similar developments in the future. To reduce the impact, a balcony on the third floor to create a setback is recommended and that the application was recommended for approval on that basis.

The application was approved unanimously as recommended.

203/22-F/17862/21-Royal Ocean Plaza Car Park, Ocean Village – Proposed administrative changes to car park operation to allow egress of vehicles through the existing north exit to relieve congestion on the south exit, and to restrict carpark access to authorised users and clients of Sheppard’s Chandlery.

Giovanni Baglietto(GB) presented this application as DTP is part of the Ocean Village Committee and therefore did not consider it appropriate that he be involved with the deliberations.

GB clarified the proposal was for a new exit rather than using the existing emergency access.

The application consists of constructing a new vehicular access at the Northern end of Ocean Village car park and blocking up the existing emergency access, the purpose of the new access is to allow vehicles wanting to travel to the North District via Bayside Road and Glacis Road. GB said the applicant had prepared a Transport Technical Note prepared by VECTOS who had undertaken a surveyed and predicted that this proposal would decrease traffic onto Waterport Road and increase traffic onto Bayside Road but it was not predicted to have any significant effects. To facilitate this a new road is to be built linking with the existing road between Tradewinds and Royal Ocean Plaza. Two new taxi bays, two new pedestrian crossings, partial relocation of planters and bicycle racks were also proposed. The proposal also includes an administrative change in pedestrian access to the car park.

No objection had been received from Ministry of Transport and the Traffic Commission welcome the proposal.

The applicant will be required to introduce a new stop sign and road markings on the junction by Glacis Road and Bayside Road, which will be conditioned if the application is approved. GB welcomed the proposal, which improves the existing arrangements with more efficient routes for vehicles exiting Ocean Village. The changes to the North of the car park were considered to provide safe passage for pedestrians and vehicles. GB said they were in agreement with the findings of the Traffic Report and consider the change in traffic movement would have a negligible impact on Bayside Road and a beneficial impact on Waterport Road.

GB recommend approval of the application with standard conditions.

The Chairman said the bollards do not provide a safe barrier for pedestrians and children. He said the planters should be re orientated so that they become the barrier as opposed to the bollards. This is a private estate but the public access through is continuous.

The Chairman asked the Members if they supported this.

JH said she shared these concerns and asked for clarification of the reason for the changes.

GB said the main reason for this was for vehicles wanting to travel towards the North District alleviating traffic on Waterport Road that the Ministry for Transport has confirmed is already operating at full capacity.

JH said she would like more attention to be given to the access point onto Bayside Road that acts as a bottleneck and the proposal would increase potential conflicts in that area.

The Chairman said spreading the loading from Waterport Road onto Bayside Road would be welcomed.

MESCCE said air quality and pollution and the use of petrol is an argument for shortening this route but many other aspects need to be taken into consideration as well. This area was

originally designed for pedestrians and noted that there is an increase in vehicular movements. He stated that he did not see the relevance of the taxi bays

GB addressed the Chairman and said he would like to add the applicant is present to confirm the proposed taxi bays are used unofficially at present and to officially demarcate the spaces for this use.

The Chairman asked the applicant if he would like to respond to the concerns raised.

Shawn Sullivan(SS) together with Johan Vogt (JV) Estate Manager said they had several petitions from residents to be able to use the Northern exit.

SS said the application lies within the original Marina Club application that had been given permission back in 2016 where a study was carried out by VECTOS. Their findings were supported by the Traffic Commission and vehicle and pedestrian movements have been looked at in a comprehensive study to provide a justified report. Their comment was the impact on the junction would be negligible. The bollards were positioned to give optimal visibility towards the exit. If planters were to be bought in to towards the road it would be affecting the pedestrians crossing and he noted that four speed cushions are already in place. When the Marina Club project is finished there is a vehicle barrier that will also slow vehicles. The car park exit is not a free entry or exit point as this will be controlled. He said they were adding 3 more planting zones and not relocating bicycle racks they were adding more.

The Chairman said the planters could be relocated so there is a physical barrier. The barrier has been mooted in the past and conditioned in the Marina Club and that it should be bought forward in these plans and be installed as part of this planning application should it be granted. The influx of vehicles is increasing, and pedestrian flows are increasing and he would recommend to the Commission for the barrier to be a part of this planning application. 3 bicycle bays are not enough

JH said she was very uncomfortable about increasing more vehicles in this area. She said she objected to the application

The Chairman called for a vote to approve the application with the relocated planter and new barrier to be installed and additional bicycle racks.

In favour 7.

Against 2

Abstentions 2

The application was approved.

204/22-F/17891/21-12 Governors Street -- Proposed conversion, extension and refurbishment of property.

DTP presented this application

This is a 2 storey extension proposed on the existing property. The first storey covers most of the existing footprint with an open terrace on the North end. The second storey does not cover the complete footprint only the center of the building with a flat roof extension with a green roof. Pitched roofs are proposed over the lower extension areas.

DOE had standard comments.

GHT had stated that they feel the flat roof is not appropriate in the streetscape and should be a pitched roof instead. They recommend traditional roof tiles are used on pitched elements and window details should be sympathetic to vernacular.

DPT said there were no other comments from Departments to report on.

DTP said there were a number of objections to this application and these had been circulated to the Members.

Gabriel Belilo (GAB) speaking as Chairman of the Gavino's Dwellings Management which is comprised of 12 members, addressed the Commission. GAB said the Section 22A notice was wrongly served and should have been invalidated as it did not conform to the Town Planning Act. The applicant avoided using Section A where they have to provide a certificate stating that the applicant is a sole owner of the land. The application creates issue with shadowing, loss of character to the estate, loss of privacy as windows will overlook bedrooms. The applicant wishes to open windows onto their estate and they do not have the permission of the Gavino's Dwellings Management. Regulations do not permit opening windows without the owner's consent. Potential asbestos exists on the roof. legal advice has been obtained and they are confident on the position that the property and the air space above it belongs to Gavino's Passage. This is trespass and the Commission was urged not to make itself a party to a commission of trespass which could leave it open for liability and he confirmed they will take legal action against all parties if necessary. GAB stated that the day before the meeting they were notified that the previous owner had approached their predecessors and requested to purchase the airspace. He said it would be a commonsense approach for the Commission to defer this application subject to solving all legal issues between parties. He is willing to discuss with their lawyers to approach this in a constructive manner.

The Chairman said that before he asked other members of the Committee to address the Commission he would first ask the applicant because it may affect the process.

The Chairman said the plans show encroaching windows onto the land West of this proposed development and asked the applicant whether they are encroaching or did that land belong to the applicant.

Stephen Martinez (SM) on behalf of the applicant, said West Elevation windows are in line with the windows below so he assumed that opening a window onto a patio that already has overlooking windows was acceptable.

The Chairman asked if the land, which is West of this window was owned by the applicant.

SM answered they did not.

The Chairman said the application had to be deferred as it may be in breach of the Regulations of the Town Planning Act.

The Chairman asked the applicant to provide plans with the lease boundary in order to be able to determine if there is a breach of the Regulations.

DTP said this is the same issue that we had with Governor's Parade, if a property abuts another property unless you have permission by the other owner the Regulations do not allow for this to be approved. This is separate to owner notification procedures. The regulation in question prevents encroaching windows or alternatively, windows have to be set back 2m on the applicants' side.

SM said they could amend the design if necessary.

The Chairman advised SM to investigate their legal rights on the land and the application is deferred and if necessary a revised scheme can be submitted.

The application was deferred.

205/22-F/17937/21-Penthouse 1b Cormorant Wharf, Queensway – Proposed reconfiguration and refurbishment of existing penthouse apartment, including extension and integration into the existing loft space and raising the ridgeline of the western facing quadrant of the cruciform roof by 1.5m to the natural apex of the existing ridge lines.

DTP presented this application

It is for the proposed reconfiguration and refurbishment of an existing penthouse apartment, including extension and integration into the existing loft space and raising the ridgeline.

Copies of representations and counter representations had been circulated to members.

The proposal includes general refurbishment to the existing loft space to create a master bedroom and en-suite bathroom. A hipped roof was proposed on the West side and on the East side it has a gable with fenestration. The architectural style is in line with the existing building.

DTP showed some slides and photos showing the elevations, extension and visuals.

DOE had standard conditions.

TSD objected to the original submission on the projecting balcony and change of roof profile. DTP clarified that the applicant had submitted an initial scheme and following feedback from the department amended it to the scheme that was currently under consideration.

Mr Dieter Wood (DW), an objector, was invited to address the Commission.

DW explained how this application would affect and disrupt the rooflines within Queensway Quay (QQ). He said the proposed windows are not in keeping with the architectural integrity of QQ. He said the development is in contradiction with the 2009 Gibraltar Development Plan regarding scale, massing and height and must be appropriate to the context of the adjacent buildings. The DPC previously supported the architectural integrity of QQ in previous refusals so it is expected they remain consistent with these previous decisions for refusals in QQ. Approval of this scheme would set a precedent in other future developments and he respectfully requests for this application to be refused.

The Chairman invited the applicant to address.

Paul Church(PC) and Michael McKillop-Smith (MM) thanked the Chairman.

PC has been resident since 2014. The loft conversion has been approved by the head lease. Every owner was approached and the Management did not object to the application. It would set a precedent in relation to renewable energy.

MM said these buildings are quite recent and have no significant heritage value. Adapting existing buildings is the most sustainable use of our built Environment as it maximises the density of the development. The proposal is as sympathetic as possible on the current site. They have taken into consideration the views of the objectors and made revisions through consultation with the Town Planning Department. The proposal scheme is sympathetic to the existing estate. The building line for the loft level has been set back, the cantilevered balcony has been removed and the west gable end has been changed to a hipped roof. Kings Wharf and Quay 31 are double the height and closest proximity to the estate.

JH said she wanted to know about the renewable energy systems being proposed.

PC - they are looking at solar and wanted to reasonably maximise the amount of renewable energy they can get from the roof without making it look ugly.

JH said she was in agreement and if it's done in an attractive manner all other buildings should follow suit.

The Chairman stated that if approved it would need to meet the nearly zero energy building requirements.

DTP presented the Planners Report

DTP considered that the change is not noticeable from QQ promenade but would be more visible from the west further away and from the East side., The design is sympathetic in terms of material and styles. Discussions had been held with the applicant to change the originally submitted design. On the question of precedent this may cause similar increases and other penthouse owners are considering extensions.

DTP referred to an application granted permission at Moorland House for a small increase in roof height and a refusal at Dexterous House where there was a significant change in height.

DTP acknowledged there would be a discernible increase in height but is generally only seen when viewed from a distance from the west and would not be significant. In terms of the treatment of the eastern elevation there are no objections. On the western elevation the only concern relates to the proposed glazed frontage of the loft area where it is considered that if the fenestration was recessed slightly and keeping the overhanging roof the visual impact would be reduced.

The application is recommended for approval subject to the small change in relation to the fenestration.

MESCCE asked what the visual impact from Wellington Front and Line Wall Road will be and would this have a significant effect on the skyline from there.

DPT stated that their view is that it would not have a significant impact.

The Chairman asked if the Members supported the planners' report with recommendations.

Martin Cooper said he was against the proposal.

The Chairman called for a vote to approve the application in line with the planners' recommendations:

In favour 8

Against 2

Abstention 1

The application was approved.

206/22-F/17993/21-First Floor Roof Terrace at Ocean Heights -- Proposed conversion/extension of commercial/office premises into residential accommodation.

DTP presented this application.

The proposal is to refurbish the existing building and convert it into a residential building with an additional storey to create 2 maisonettes with green roofs. The West elevation incorporated windows and shutters and on the East elevation there would be a blank facade. The lift access will be altered creating access for both maisonette. Access to these properties will be via Fish Market Lane and no parking is proposed.

DTP reported on consultee comments:

GHT objected to the application as it was contrary to the policy on removal of buildings on the listed walls. The increase in height would have a negative impact and this could set a dangerous precedent.

MH objected to development on the listed monument and in any case would require a Heritage license.

DOE had standard conditions

TSD objected to the proposal to build on the city walls as it could set a dangerous precedent.

Stephen Martinez(SM) addressed the Commission. He stated that they were not defacing the City Walls in any way and felt they are enhancing the area and improving the City Walls. This would ensure that the use and care of the area is maintained. This is a change of use to residential that is not extending the footprint and keeping height to the pool level they are not making matters any worse. The proposed blank façade is to respect the city walls, and they have provided an option with street art as a way of enhancing and embellishing the area.

DTP summarised by saying that it was considered that the proposal is going to detract from the appearance and setting of Chatham Counterguard. It would accentuate the adverse impact of the existing building by extending an unsightly building. It will have a high visible impact from Fish Market Road and noted that Government has plans to refurbish this area and therefore it would become even more visible. It is also highly visible from Line Wall rd. The policy of the Development Plan is for the removal of inappropriate buildings from the City Walls and the policy is aimed at protecting listed buildings and their settings.

The development would have an adverse effect, and the application is recommended for refusal.

The application was refused unanimously.

Minor and Other Works– not within scope of delegated powers

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

207/22-F/17970/21-International Commercial Centre, 2a Main Street -- Proposed refurbishment of apartment and change of use of car park levels to kitchenette at third floor level and storage units on fourth floor level to seventh floor level.

This application was approved.

208/22-F/18052/22 Calpe Rowing Club, 6 Europort Road -- Proposed construction of a new gym and rooftop MUGA.

This application was approved.

209/22-F/18088/22-North Front Cemetery, Halifax Road -- Proposed construction of a new mausoleum and burial vault.

Referred by Subcommittee with recommendation to approve.

The Chairman reported that the application would be deferred to allow for the Cemetery Administration's feedback.

This application is deferred.

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

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

210/22 -F/15764/18G-Adjacent to Monkeys Cave Hospital -- Proposed erection of sign.

GoG Project

211/22 -F/17400/21-Northern End of Eastern Beach, Eastern Beach Road -- Proposed timber kiosk.

Consideration of request to renew Planning Permission

212/22-F/17943/21-8/9, 62 Main Street -- Proposed minor alterations and refurbishment of apartment.

213/22 F/17949/21-617 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.

214/22 -F/18014/22-1 Library Villas, 14 Library Gardens – Proposed internal alterations of second floor and installation of skylights.

215/22 -F/18039/21-3 City Mill Lane -- Proposed internal refurbishment of the third floor and communal areas, external refurbishment of the whole building and proposed new extension at roof level.

216/22 -F/18057/22-2 Casemates House, 23 Casemates Square -- Proposed loft conversion.

217/22-F/18059/22-16 Castle Street -- Proposed conversion of stores into residential unit.

218/22 -F/18064/22-603 Imperial Ocean Plaza, Ocean Village -- Proposed installation of glass curtains.

219/22 -F/18090/22-904 West One, Europort Road -- Proposed installation of glass curtains.

220/22 -F/18099/22-29 Ocean Village Promenade -- Proposed installation of new canopies, screening and decking to external seating area.

221/22 -F/18108/21-Flat 85, Quay 27, King's Wharf -- Retrospective application for internal alterations and proposed installation of exterior blinds.

222/22 -F/18120/22-Flat 2, Quay 31, Kings Wharf -- Proposed installation of an awning.

223/22 -F/18127/22-1 The Arches, Castle Road -- Proposed installation of glass curtains on the ground floor terrace and installation of vertical blinds to the arches on the first floor terrace.

224/22-F/18143/22-805 Grand Ocean Plaza -- Proposed installation of glass curtains.

225/22 -F/18144/22-Flat 74, Quay 29, Kings Wharf -- Proposed installation of glass curtains to rear balcony.

226/22-A/18151/22-Itek Ltd, 3/1 Hadfield House, Library Street – Proposed installation of replacement shop sign.

227/22 -MA/18094/22-1 Engineer Lane -- Proposed refurbishment of building, formation of roof terrace and conservatory and alterations to ground floor facade.

Consideration of proposed Minor Amendments including:

- *changes to ground floor retail unit with consequent elevational modifications;*
- *reduction in the number of apartments from eight to seven;*
- *reduction in dimension of the conservatory at roof level; and*
- *further reduction in height of the old water tower structure.*

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Any other business

228/22-The Chairman said he would be retiring in August and DTP would be taking over as acting Town Planner and he thanked the Commission and said it had been a pleasure to be Chairman for over 12 years.

All the Members wished The Chairman a happy retirement and thanked him for all his hard work over the years.

Paul Naughton-Rumbo

Secretary to the

Development and Planning Commission