

## THE DEVELOPMENT AND PLANNING COMMISSION

### AGENDA

Agenda for the 10th meeting of 2023 to be held remotely via video conferencing on 7th September 2023 at 9.30am.

**Present:**

Mr P Naughton-Rumbo (Chairman)  
(Town Planner)

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

The Hon P Balban (MT)  
(Minister for Transport)

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)

Mr C Viagas (CV)

Mr L Linares (LL)  
(Gibraltar Ornithological & Natural History  
Society)

Mrs J Howitt (JH)  
(Environmental Safety Group)

Mr C Freeland (CF)  
(Rep Commander British Forces, Gibraltar)

**In attendance:**

Mr C Key (CK)  
(Deputy Town Planner)

Mr R Laposi  
(Minute Secretary)

**Apologies:**

The Hon Dr J Garcia  
(Deputy Chief Minister)

Dr K Bensusan  
(Gibraltar Ornithological & Natural History  
Society)

## Approval of Minutes

**253/23 – Approval of Minutes of the Minutes of the 7th meeting of 2023 held on 29th June 2023, approval of the Minutes of the 8th meeting of 2023 held on 27th July 2023 and approval of the Minutes of the 9th meeting of 2023 held on 10th August 2023.**

The draft minutes of the 8th meeting held on 27th July 2023 and the draft minutes of the 9th meeting held on 10th August 2023 were approved. The draft minutes of the 7th meeting held on 29th June 2023 were not ready, so this item was deferred

## Matters Arising

None.

## Major Developments

**254/23 – F/18783/23G – John Mackintosh Hall, 308 Main Street -- Proposed partial demolition and refurbishment and extensions to existing John Mackintosh Hall to allow construction of new National Theatre.**

CK confirmed that this was a GoG application for the new National Theatre and that it followed on from Outline Application that was approved by the Commission at the DPC meeting held on 17 February 2022

The Chairman invited Christian Revagiatte (CR) from GC Architects to present the scheme to the Commission.

CR presented the scheme and provided a summary of the main differences between outline application and current scheme highlighting the development of the auditorium in conjunction with Charcoalblue, a specialist UK theatre consultant team with a wide range of expertise from podcast studios to over 2,000 spectator auditorium. CR confirmed that the specialist consultant was brought in to assist the design of the main auditorium as well as Studio C, the back stage and support facilities necessary for the venue.

CR confirmed that the main change from the Outline scheme on Main Street was the removal of the entrance canopy as it was identified to be intruding into the pavement, restricting pedestrian passage and visibility into the building and the removal has addressed these issues and enabled the provision of more attractive entrance providing visibility into the building.

CR confirmed that the concept for the central court has remained the same since the Outline application, confirming that it will provide access to all features and spaces within the building including the library, exhibition rooms, café, meeting rooms, and the National Theatre.

CR outlined the design solutions to the internal spaces, confirming that based on the input of the theatre specialist the entrance foyer of the auditorium has changed and that whereas previously the National Theatre started at first floor level and the ground level was reserved purely for support facilities, in the revised design, 455 x seats for spectators are provided on the ground level. CR confirmed this change has a number of benefits in terms of access, egress from and ingress of the main auditorium as well as enabling the provision of 10 x permanent inclusive spaces which can be increased to 18 x inclusive spaces on demand. CR confirmed that

the changes also bring the balcony spectators closer to the stage providing a more intimate connection and relationship to the performance on the main stage.

CR noted that whilst the stepping of the auditorium have not changed, the form has changed and the actual volume of the auditorium has been reduced as well as the height of fly tower reduced by 1.5m as result of moving the stage to ground level.

CR confirmed that the Exhibition Hub now houses five x exhibition rooms which could be subdivided for independent use and that there is a double height pass which can also serve as an exhibition space, and is overlooked by the extended library which has not changed since the outline stage.

CR set out that the Studio Theatre has changed significantly, and Studio C is now located at the existing gymnasium at the back of the south-west corner of the building in order to house facilities more important to the local community (e.g. studio theatre performances, dance clubs, local bands etc.) and it has a more reduced spectator capacity of up to 197 x spectators. CR noted that the height of the roof has been increased by 1.8 meters to house a technical gallery at the top level (mezzanine floor) including lighting grids and acoustics as well as specialist systems.

CR summarised other changes on different levels of the building including that the development now includes a basement for the drop-stage providing access from underneath, that the second level of the building still has the theatre bar and terrace slightly further up as a result of the increase of heights of this volume and also provides access to the top tier of the main auditorium, and that solar panels have now also been incorporated into the green roof design on the North-East corner of the building and on the roof top of the main auditorium.

CR concluded that the relationship between the main facade on Main Street, the increased courtyard and the volume of the main auditorium will remain as is, but it will be more articulated by glazing and feature lighting and that the new frontage on the west elevation, with the non-functional but prominent fly tower has been articulated to provide a visually pleasing view from the Line Wall Road and across the Queensway.

The Chairman asked the Members whether they had any comments or questions for CR.

JH enquired about the effect of the project on the existing users of the building. CR clarified that the building will be completely closed down during construction, and that facilities are going to be rehoused in cooperation with the Ministry of Culture.

MESCE confirmed that a temporary theatre is going to be set up at the Central Hall and other facilities will be relocated to other places temporarily or permanently. MESCE confirmed that the library will be relocated to either to the GEMA Art gallery or another gallery for a period of time, but will remain open to the public during construction.

GM asked for clarification on the inside and outside levels at the main entrance as seen on the artist impressions. CR confirmed that it is an artist impression and the entrance is in level with the pavement.

CK briefed the Commission on the other changes to the proposed development since the outline scheme was approved by the Commission explaining that the existing cycle parking at the front of the site is going to be removed and that 26 x cycle stands are to be provided on John Mackintosh Ramp .

CK also explained that in the Outline application the existing layby on Main Street in front of John Mackintosh Hall and the four x car parking spaces at the rear of the building were omitted, then subsequently retained following consultee feedback and are now being proposed to be removed again. CK confirmed that the reason for the removal of the layby is that it would visually impede the image the new National Theatre needs to present and would narrow the pavement on this part of Main Street impeding pedestrian footfall and that the loss of parking to the rear is required for safe operation of designated loading and unloading area to enable production kit to be installed and removed from the theatre as well as provide a pavement in that area.

CK informed the Commission that a number of documents have been submitted to address the conditions on the Outline Planning Permission. This included a Sustainability Report which confirms that the applicant is anticipating to achieve an A-rating through optimizing the building envelope, the installation of green roofs and PV panels throughout the scheme, harnessing daylight through the use of windows and roof lights, the use of heat pumps and mechanical heat recovery ventilation systems, the installation of a solar hot water system and the use of grey water recycling.

CK also confirmed that landscaping details have been submitted including the planting of new prominent trees in the front of the Main Street facade with additional tree planting at bar-terrace level of the upper floor and the intention is to retain as many trees as possible on the existing locations and that a Tree Survey has also been submitted.

CK also noted that the applicant confirmed that they are working closely with Ministry for Heritage (MfH) on the project in respect of their requirements and have undertaken Photographic Survey which will be submitted, and recapped that in terms of accessibility, there are 10 x permanent wheelchair positions in auditorium close to exit points and distributed between Stall and Dress circle seats and further eight removable seats can be installed to meet demand. In addition to this there are two permanent wheelchair positions in studio C with a further four removable seats to meet demand.

CK noted that the applicant had served notice of all users and occupiers of John Mackintosh Hall and that no representations had been received and that the application had not been the subject of public participation as it followed on from an outline application.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DOE – confirmed that they had no objections to the application, however, require that bat and bird surveys of the building and adjacent buildings will need to be undertaken prior to works commencing and noted that whilst the proposals do not constitute a completely new building, in respect of energy performance it is recommended for the proposed development to meet NZEB standards as sections of existing building are being demolished and significant new areas are being created;
- MoEq – confirmed that there are no objections to the proposed development, however requested that the accessible toilets to be provided at ground and first floor level should be left and right aligned and recommended that a Changing Place toilet is to be provided to make the National Theatre accessible to people that require a carer to help them with bathroom needs and that level access should be provided between accessible services and the stage for performer's with mobility disabilities.

- MfH – confirmed that they are working closely with the applicant regarding heritage requirements and will be supporting the project throughout the construction programme;
- MoT – noted that there is no provision for visitor parking, however, confirm that there are nearby parking facilities at Ragged Staff and Romney Huts. Also expressed concerns regarding proposed removal of existing layby outside John Mackintosh Hall on the Main Street frontage and consider that a new drop off zone/delivery zone should be provided in the area up to Gibraltar International Bank through the removal of second road lane on that part of Main Street and requested the details to be submitted for approval. Also noted the new pedestrian footpath to the rear of site, and that this will result in loss of four x residential Zone 2 parking spaces and that they are concerned by the loss of on-street residential parking as Zone 2 parking is extremely lacking at the present and noted the existing cycle racks are being lost but there are 26 x cycle racks being proposed exceeding the current provision.
- TSD – confirmed that there are no objections to the proposed development, however noted that the applicant needs to liaise with Highways Section of TSD regarding all Traffic Management requirements throughout the construction phase of the development.
- No comments were received from GHT, GTB or LPS.

CK added that the application will be considered at the next Traffic Commission meeting.

CK said that in respect of the Town Planning Department's (TPD) assessment of the application the scheme follows on from the Outline Application as approved by the Commission and that TPD considers this to be a welcome renewal and development project which will reinvigorate one of Gibraltar's more unique architectural buildings and assist with bringing footfall, and potentially bring associated economic development into the southern end of Main Street.

CK went on to confirm that the design parameters established at Outline Planning have been respected and that the TPD welcomes that the design has not been watered down as it has progressed to detailed design. CK confirmed that the TPD considers the architectural design changes made to the scheme are considered to be acceptable, welcoming the reduction in height of the auditorium and fly tower which reduces visual impact and addresses previous concerns that these elements had the potential to be revised to improve the development. CK noted that the applicant, for the most part has submitted information to address conditions on OPP, and where they have not, on matters such as the illumination strategy, bat and bird surveys and nesting sites, these requirements can be carried over and transposed onto the Full Planning Permission as conditions should the Commission resolve to approve this application.

CK noted that one outstanding issue is the removal of layby and on street parking, and that whilst the TPD understand the requirements and the rationale for not providing this, they also consider that the MoT has valid concerns and that the lay by /drop off zone should be re-provided as suggested and that on-street parking should be provided elsewhere. CK suggested that the applicant and the MoT should meet to resolve this matter prior to works commencing and this should be a condition on the Full Planning Permission. CK also noted that the TPD consider that the MoEq also raised valid points and these should be conditioned so that they are addressed as the scheme progresses to detailed design.

CK concluded by stating that the TPD recommends the approval of the application subject to clearance at Traffic Commission and subject to planning conditions set out in Town Planning Report.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MT noted that the width of the pavement became much wider due to the omission of the layby and existing loading bay and emphasised the importance of retaining them as they are used for delivering and dropping goods off to the cafeteria and catering services etc. MT also noted that if the pavement would remain as it proposed and loading bay moved to a different location, then MT would require bicycle parking to be provided at the wider space for cargo bikes in particular, as the alley way is far too narrow for them. MT set out that the use of the alley way is not favoured by cyclists especially in the dark as it is out of the way and there has been occurrences of vandalism, and people feel insecure there leaving bicycles, especially e-bikes at the location where the 26 x racks are proposed. MT suggested the provision of better lighting to give people confidence and ensure the sense of security and that the provision of some bicycle parking spaces at the front of the building, where the existing bicycle parking spaces are proposed to be also removed would be welcomed.

The Chairman enquired if the improvement of lighting of the lane between Gibraltar International Bank and John Mackintosh Hall could be included into the scheme.

CR confirmed that it can and advised the Commission that there is a renewed CCTV system around the perimeter of the building to ensure public safety.

MESCE commented that a swift and bat survey has been carried out and there is a sizeable colony of bats. MESCE confirmed that bats will be protected and not be adversely affected by the development, the access to the roofs will remain and the cavity where bats are will not be affected and that applicant has to make sure that during construction disturbance is kept to a minimum.

The application was approved unanimously subject to conditions as outlined by TPD and an additional condition requiring the provision of improved lighting in the lane between the Gibraltar International Bank and John Mackintosh Hall.

## **Other Developments**

### **255/23 – F/18534/22 – Engineer Lane Car Park -- Proposed installation of photovoltaic panels.**

CK presented the application confirming that the applicant is proposing the installation of 233 x photovoltaic (PV) panels to be integrated within existing two separate flat sedum roofs on the Engineer Lane Car Park building in the Upper Old Town, with the combined nominal power output being 70.00 kW. CK confirmed that the PV panels will be oriented and sloping towards South – South-East and that they will be mounted on Sunballast concrete structure frames and confirmed that the works are reversible. CK outlined that the Sunballast concrete structure will be placed on the top of the green roofs to hold the PV panels and that no drilling nor any invasive works to green roof were required. CK confirmed that the TPD has undertaken a Visual Impact Assessment (VIA) and this has concluded that the PV panels will not be seen

from street level and that views are restricted to certain vantage points on Castle Ramp and Lower Castle Road.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DCA – confirm that there are no objections and that planning permission can be granted without any aeronautical based conditions.
- DOE – welcome the proposal and have no objections to the installation of the PV panels to the green roofs subject to:
  - PV panels to be cleaned with fresh water and non-toxic products, if any, in order to protect green roof;
  - access to site to be limited to essential works only once PV panels have been installed and operational;
  - remedial habitat works to be carried out should there be any damage to the current green roof whilst installing PV panels; and
  - no works should be carried out in breeding season (between February and June) without prior consultation.
- GHT – confirm that there are no heritage objections to the installation of the PV panels;
- MfH – recommend that all other alternative energy efficiency methods are employed within building before solar panels are installed in order to control the proliferation of solar panels in the Old Town and the subsequent alteration of aerial views; and
- TSD – confirm that there are no objections to this proposal.

CK presented the assessment of the TPD, confirming that it is considered that this is a suitable location for PV panels and welcome the proposed integration of the PV panels within the existing sedum roofs and are reassured that works are reversible and have support from DOE subject to certain conditions to ensure protection of sedum roofs. CK set out that TPD consider that there will only be a minimal visual impact resulting from the proposal and that this would be mitigated by the existing topography of surrounding area and screened by existing tree planting which obscures views. CK concluded that the minimal visual impact should be balanced against environmental benefits of installing PV panels on this location and that overall recommend approval of the application subject to conditions requiring:

- the final details of fixtures and fittings being submitted for approval;
- a bespoke condition to reflect DOE requirements for integrating PV panels within the existing green roof;
- no works during breeding season without DOE consent; and
- other standard conditions

The application was approved unanimously.

### **256/23 – F/18535/22 – Mount Alvernia -- Proposed installation of photovoltaic panels.**

CK presented the application confirming that the applicant is proposing the installation of 252 x PV panels on the existing two separate flat roofs of the Mount Alvernia building with the combined nominal power output being 90.00 kW. CK informed the Commission that the PV panels will be mounted on PICOS ballasted structure system which will be fixed by concrete ballasts and the works are reversible as they would not involve any perforations or any

invasive treatment to the roof. CK confirmed that the TPD have undertaken a VIA of the proposals and this assessment indicated that the PV panels will not be seen from street level and would only be visible from some vantage points on Engineer Road and longer distant views from the Queen's Road lookout in Upper Rock Nature Reserve.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DCA – confirm that there are no objections and that planning permission can be granted without any aeronautical based conditions.
- DOE – welcome the proposals, consider this an optimum location for the installation of the PV panels and confirm that no works can be undertaken in breeding season without prior consultation and consent; and
- TSD – confirm that there are no objections to the proposals.

CK presented the assessment of the TPD informing the Commission that it is considered that the location is suitable for the installation PV panels and that there would be a minimal visual impact associated with the proposals which needs to be balanced against environmental benefits that the use of PV panels in this location can bring and recommend the approval of the application subject to conditions requiring:

- final details of fixtures and fittings being submitted for approval; and
- no works during breeding season without DOE consent.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MESCE stated that there are monkeys in the area and their presence would require the consideration of preventing potential harm to Barbary Macaques, personnel and equipment including physical protective measures during construction and in later live stages of the installation.

The Chairman asked if members wished to approve the application in line with the TPD recommendation and subject to an additional condition requiring the submission of a Macaque Management Plan.

The application was approved unanimously.

### **257/23 – F/18537/22 – Bus Depot -- Proposed installation of photovoltaic panels.**

CK presented the application informing the Commission that the applicant is proposing the installation of 648 x PV panels with anti-reflective coating on the existing eastern, southern and western roofs on the existing two x storey Bus Depot building. CK confirmed that the PV panels will be mounted on rafters fixed into the roof structure and are reversible as they can be removed from the building. CK noted that the Bus Depot is located adjacent to the North Jumpers Bastion and the South Jumpers Bastion which are listed under Schedule 2 of the Heritage & Antiquities Act 2018.

CK informed the Commission that a VIA has been undertaken by the TPD and that the findings of this confirm that in terms of long distant views, the Bus Depot can be seen from the Upper Rock including the Windsor Suspension Bridge, the Queen's Balcony and the Spur Battery, and in the immediate, street level context it can be seen prominently from the Saluting Battery

Promenade. CK also informed the Commission that a number of PV panels have been installed on other buildings with heritage value in Dockyard which have been approved by the Commission.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DCA – confirm that there are no objections and that planning permission can be granted without any aeronautical based conditions.
- DOE – welcome the proposal and consider this is an optimum location for the installation of the PV panels and confirm that no works can be undertaken during breeding season without prior consultation and consent.
- GHT – confirm that whilst they encourage alternative energy provision, they have concerns regarding the net visual impact of PV panels on heritage sensitive buildings and expects the application of Best Available Technology (BAT) to ensure the maximum amount of energy be farmed from these locations;
- MfH – confirm that whilst they encourage the placement of solar panels, express concern that the proliferation of PV panels will result in aerial views of Gibraltar being altered and a policy is needed to mitigate this effect; and
- TSD – confirm that there are no objections to the proposals.

CK presented the assessment of the TPD informing the Commission that they consider that this is a suitable location for PV Panels given installation of PV panels on other historic buildings in the Dockyard approved by Commission. CK confirmed that the PV panels will be seen from street level on Rosia Road in particular, the Saluting Battery, and various vantage points on Upper Rock, and that whilst the TPD consider this to have a minor negative impact, this needs to be considered in wider context of other heritage buildings in surrounding area which have had PV panels installed and balanced against the environmental benefits of installing them on what is considered by the DOE to be an optimum location for harnessing solar power. CK also suggested to the Commission that the TPD consider that the visual impact of the PV panels could be mitigated through using a colour scheme for the PV Panels which complements the existing roof as much as possible and that this has been discussed with the applicant and apparently can be done in respect of the fittings, fixtures and film used on the PV panels.

CK concluded that overall, TPD recommend the approval of the application subject to conditions requiring:

- final details of fixings and colour scheme, and the colour scheme of the film of the panels and fittings to be submitted to Town Planning for approval so PV panels blend in as much as possible into host building; and
- no works during breeding season without DOE consent.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

CAM clarified the GHT's position of supporting the installation of PV panels on other buildings in the Dockyard area, on the basis that they are not as visible because of the parapets to receptors on ground level. CAM expressed the importance of colour coding and matching PV panels to blend in as much as possible into host building and the use of BAT in order to achieve that.

JH welcomed the proposal, and asked MESCE if there was any analysis or report available on how much solar panel energy is being generated to see where Gibraltar stands in terms of harnessing solar power and achieving targets.

MESCE clarified that information can be shared and reminded the Commission that this is not a matter relevant to DPC.

The application was approved unanimously.

**258/23 – O/18565/22 – 7 Morello's Ramp -- Proposed redevelopment of existing residential villa and the construction of three additional town houses to provide four town houses on the site.**

CK presented the context and setting for this outline application informing the Commission that the site comprises the former Warrant Officers Quarters (WOQ), a three storey building with pitched roof and dormer window dating back to late 18th century, currently used as residential dwelling with later extensions and terrace additions to North and South. CK also confirmed that the WOQ building is built on Raglans Battery which forms part of Gibraltar's fortification walls and defences dating back to the early 17th century and that the site in general has significant heritage value as documented in the Archaeological Desk Based Assessment (DBA) submitted in support of the application, however, it is not listed in the Heritage and Antiquities Act 2018.

CK introduced the proposed development setting out that the applicant is seeking an in-principle permission to provide a small residential community on the site for the following scope of works:

- removal of all add-on extensions to the WOQ building;
- refurbishment and alteration to the former WOQ building including a replacement roof;
- construction of three x three-storey town houses, one to the South and two to the North of the WOQ building;
- installation of a lift in Old Stone Tower to rear of the site if feasible to provide additional access to site whilst retaining existing stair access to south of site via Morello's Ramp;
- restoration of fortification barrack walls to Ragland's Battery;
- extensive landscaping within the scheme through the retention and/or relocation of all existing trees and incorporation of green walls/sedum roofs throughout development;
- no parking to be provided on site due to the site constraints, however, the applicant intends to provide one secure car parking space for each house (one existing private space and one existing rented space with the applicant securing a third space and seeking to purchase a fourth within the Old Town); and
- A+ certification and meet NZEB standards through installing green roofs with solar panel arrays and space heating and cooling integrated systems air source heat pumps.

CK also outlined the applicant's original scheme which comprised facades and roofs clad in semi-oxidised copper sheeting with large triangular dormer windows, were considered to be at odds with the architectural language and the design principles developed in Upper Old Town and that the applicant had submitted revised proposals with external finishes to provide a combination of yellow brick to match the existing cottage and outsulated cladded vertical

sections to break up the massing of the terraced houses with a pitched mansard style roof with smaller dormer windows.

CK advised the Commission on the findings of the DBA submitted in support of application: which:

- confirms that the application site and the WOQ building have significant heritage value;
- sets out that the site merits sympathetic treatment of the historic structures on the site and that the overall visual setting of the site should be enhanced rather than compromised;
- confirms that the scale, mass and design of the proposed development will change the visual setting of the surrounding area; and
- confirms that efforts should be made to minimise the visual impact of the proposed development as much as possible.

CK confirmed that the application has been subject of public participation and that TPD had received one set of representations and that the objector had confirmed that they would like to address the Commission.

The Chairman invited Ian Mackie and Belinda Williams (BW) to address the Commission.

BW raised the following concerns to the attention of the Commission:

- impact on their property as it is an old building and needs lot of attention and the site should be protected and not destroyed through inappropriate construction;
- proposal is not sympathetic to neighbouring property and the roof height of the proposed town houses will be 1m higher than top of windows of property;
- proposal will block the sun out and disturb air flows and ventilation as well as block the view and leave the property in darkness;
- concerns regarding noise and pollution during construction, and
- concerns regarding the applicant's approach to take other views into account and their address concerns and fears.

The Chairman asked BW to clarify where their property was located. BW confirmed the location was the first floor which runs the whole width of the building behind the stone cottage

JH confirmed that objector has reached out to the ESG and that she expressed empathy and hoped to achieve the right decision.

MT enquired about a possible site visit to be undertaken by DPC as this location is not well known to Members.

The Chairman confirmed to Members that it is open to the Commission to undertake a site visit if they want to and that has been done in the past. The Chairman suggested to continue with the TPD report on the application before deciding if a site visit was required.

MESCE seconded the idea of DPC site visit.

BW welcomed the opportunity and invited members of the DPC for a site visit and to view the site from her property as well.

The Chairman asked Daniel Rios (DR) representing the applicant if he wanted to address the Commission in respect of the points raised by the objector.

DR confirmed that in developing the design they were aware that the building where the objector lives is very close by, and tried to push the building 3-5 metres away and introduce mitigating steps in respect of the roof mass and scale to reduce the darkening effect of the proposed development.

DR acknowledged that darkness is an issue for the objector, however, emphasised that it is not the applicant's property. DR confirmed that the roof heights have been reduced as much as possible by creating an angled mansard roof to provide greater light and air flow into property as well as to prevent darkness occurring. DR also confirmed that there is no right of view in Gibraltar, therefore, loss of view is not a planning issue, however, expressed that the mitigating steps undertaken are sympathetic in respect of natural light and ventilation.

Regarding the Old Stone Tower, DR noted that if it was required the applicant is open to refurbish it without installing any lifts and keep it as a store. DR also stated that they are open to negotiations and to help neighbours.

JH enquired as to whether DR had reached out to discuss the project with residents and neighbours most affected by the proposal, i.e. neighbours in adjoining properties?

DR explained that this is an outline application, and at this stage they have not discussed concerns directly to consider all properties around the site as they did not consider it to be necessary. DR confirmed that they had attempted to anticipate and mitigate any negative impacts on neighbouring buildings including the property in which the objector lives and the design reflects on this, for example by pushing the building away to provide light to BW's building.

JH emphasised that outreach would have been a good idea and stated for the record that this hasn't happened.

The Chairman asked for clarification from DR to describe the gap between the proposed development and BW's building.

DR clarified the position of the objector's property which is above the trees and is three metres away.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DOE – confirm that they welcome the proposed installation of PV and/or solar thermal panels and green roof however set out that they require:
  - a predictive EPC and Sustainable and Renewables Assessment to be submitted in support of full application to ensure it meets NZEB standards;
  - bat and bird nesting sites to be integrated within development;
  - no works to be undertaken during breeding season without prior consultation; and
  - refuse requirements to be agreed.
- GHT – confirm that having reviewed DBA and reassessed the revised proposals consider that the proposal is too ambitious for the site which is in the confines of Raglan's Battery and will obliterate the majority of the Battery and its terreplein by building on top of it and consider that:

- the WOQ building, which is in excellent original architectural form, will be significantly altered and absorbed into the development losing its visual and historical significance;
- a much scaled down development that enhances and makes use of open space of the Battery and respects the original elements of the WOQ building should be the focus of any redesign; and
- building on this historic site in the proposed manner should be a thing of the past and no longer has a place in Gibraltar.
- MfH - consider that the building merits sympathetic treatment of the historic structures and that the proposed development should employ methods that avoid physical damage to these assets during construction; and
  - confirm that the revised design is an improvement on the original design which had façades and roofs of the new town houses, as well as the new roof of the WOQ building, clad in semi-oxidised copper sheeting;
  - consider that the revised design of roofing is also an improvement;
  - set out that despite the retention of west facing facade of WOQ building, the development causes a major change to visual setting of site;
  - consider that the proposed development will change the visual setting of the surrounding area, arising from the design, scale and mass of the proposal;
  - consider that efforts should be made to minimise visual impact of the proposed development on its surroundings as much as possible;
  - set out that there is a very high potential for below-ground deposits or remains of structures from the mid-19th century onwards and also potential for below-ground deposits or remains of structures dating to earlier periods;
  - confirm that a comprehensive methodology of works for any permitted scheme on site is required; and
  - confirm that an Archaeological Watching Brief (AWB) is required; and
- TSD – confirm that there are no architectural objections to revised proposals and that there are no technical objections, however set out number of technical requirements that would need to be adhered to and form part of informative on the OPP should the Commission resolve to approve the outline application.

CK presented the assessment of the TPD informing the Commission, from the outset that this is a heritage sensitive site which is confirmed by the findings and recommendations of the Archaeological DBA submitted in support of the application which concludes that the scale, mass and design of the proposed development will change the visual setting of the surrounding area, and also confirmed that efforts should be made to minimise visual impact of the proposed development as much as possible.

CK informed the Commission that the TPD has assessed the application carefully, in the context of what was being proposed, the contents of the archaeological DBA as well as representations received and consultee comments.

CK stated that whilst there is no in-principle objection to some residential development on site, and whilst TPD acknowledged that the revised scheme is an improvement to the treatment of the original proposals, from a town planning perspective, the proposed development is an overdevelopment of the site, which will impact the heritage value of Raglan's Battery and visually impact the setting of this part of the Upper Old Town.

CK stated that the TPD considered that the scheme as submitted cannot be supported, it requires substantive revision and that the TPD also consider than any proposal coming forward for the site subsequently would need to adhere to a number of guidelines. CK presented a visual illustration for the recommended area for development, being mainly the area previously built on, highlighting where TPD have consider that the development could take place on the site.

In terms of the guidelines, CK informed the Commission that the TPD recommended that any scheme going forward should:

- retain the existing WOQ main residential building as much as possible;
- restrict any new development to the curtilage of site already built upon with more modern additions to WOQ building (i.e. external alterations and extensions such as the upper and lower terraces, the pool area and the garden area);
- be set back from Raglan's Battery to the area outlined as the recommended area for development by TPD which would improve the setting of Raglan's Battery and minimise impact on the residential property to the rear as well as give the site a breathing space in the context of Old Town;
- restrict any new development to the height of the WOQ building;
- clearly differentiate any new development from the WOQ building making it a focal point within any redesign of the scheme; and
- allow only limited development on the area to south, restricted to open space or light-weight terraces as it is in need of refurbishment and tidying up.

CK concluded that overall, the TPD would not recommend approval for the scheme as submitted, however, TPD would recommend that the Commission resolves to require the applicant to modify the scheme in line with TPD recommendations, in accordance with powers under Section 28 of the Town Planning Act 2018 (TPA), and require the applicant to submit plans that comply with this decision and that these are tabled at a subsequent DPC meeting, with opportunity for the objector to comment on revised proposals.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MESCE noted that TPD's recommendation and considered that a deferral is sensible, and would welcome a site visit by Members to take into account both recommendations and objections. MESCE stated that there is a room for a development as well as for improvement.

CAM agreed with the recommendations of the TPD, but expressed that instead of deferral, the scheme as submitted should be refused. CAM stated that within the curtilage proposed by TPD are more heritage sensitive elements that have been identified in the archaeological DBA and they would need to be respected and sensitive adaptation is needed. In conclusion, CAM said that while there is scope for improvement to the site but not to extent proposed and that the current application should be refused.

JH supported the GHT position on refusal on this outline application and supported the site visit.

The Chairman said by taking into account indications of refusal, he proposed to take a vote on the application as submitted, then another vote on whether the Commission agrees with the recommendation of the TDP.

MESCE suggested if the vote could be between refusal and deferral.

CAM expressed concerns that in case of deferral de-facto saying that there is something in the current scheme were all the recommendations saying that it was too large the way it is and needs to be completely redesigned and went on to state the deferring on the current application you are not going to get small alterations coming back. CAM also expressed disagreement with MESCE's suggestion.

The Chairman clarified for the Commission that deferral was to direct a modification to the applicant to follow up on that modification within the parameters of the recommendations of the TPD, which require a substantive change to the scheme. The Chairman confirmed that DPC has the power for requiring the applicant to modify the scheme in accordance with what has been asked by the DPC. CK added that if any subsequent modifications did not address the recommendations then the Commission could refuse the whole application.

CAM acknowledged Chairman's clarification on this matter.

The Chairman motioned for a vote on deferral with substantial redesign and limit the footprint of the development to what was proposed by TPD and also to undertake a Members site visit, where the outcomes of the site visit would then be provided to the applicant as further guidance if that was required.

**In Favour – 7**

**Against – 4**

**Abstentions – 0**

The application was deferred by majority in order for the applicant to modify the scheme in line with TPD recommendations for the proposals

The Chairman advised the Commission that a site visit will be arranged for Members to visit the application site and the objector's premises and after the site visit a modification direction will be issued to the applicant to modify the scheme.

Upon request of JH, the Chairman confirmed that if Members were unsupportive to continuation of the application according to the modifications requested after the site visit, the Commission could still refuse the application.

### **259/23 – F/18573/22 – Alexandra Battery, Main Wharf Road, The Dockyard -- Proposed refurbishment of derelict former military structure into offices and meeting spaces.**

CK presented the application informing the Commission that Alexandra Battery is a former military coastal artillery battery, situated at the neck of the South Mole. CK confirmed that Alexandra Battery is a three-storey structure dating back to 1878, and stands on the site of previous fortifications - notably the old Spanish fort in front of the Torre del Tuerto tower. CK informed the Commission that the site is not accessible to the public, and has been in disuse for a prolonged period of time, albeit some restoration work has been undertaken in the more recent past to the iron shields and traversing mechanisms housed in the Alexandra Battery casemates.

CK confirmed that the applicant is seeking planning permission for the re-conditioning of the existing battery for it to become an integral, actively used part of the wider GibDock facilities

as well as making use of this historical building in a sensitive manner, showcasing its historical fabric converting the space into office, meeting areas and ancillary uses.

CK went on to confirm that the:

- lower floor is envisaged as a project office, with direct access from the dockyard;
- intermediate floor is similarly earmarked for office use, with glazed partitions forming cellular offices for the directors within the vaulted space;
- collapsed roof to the level above is to accommodate new stairs providing access to the top level, covered by a glazed enclosure;
- top level is to become the public-facing meeting room to welcome clients and visitors with the original mechanisms and iron shields preserved and showcased;
- applicant intends to undertake cleaning and exposing of the historic stone and masonry walls, with surface mounted lighting and other services across all levels;
- installation of glass balustrade around flat roof and access stairs to create a roof terrace; and
- installation of railings to installed along access walkways at first floor.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DOE – confirm that there are refuse requirements to be resolved, that due to proximity to Gibraltar Marine Special Area of Conservation, no construction dust is to enter the local environment and set out precautions to ensure no spills into aquatic environment.
- MfH – confirm that they are working closely with applicant as well as confirming that they endorse and support the proposed scheme, which they consider will rejuvenate an important historical site. Also recommend that applicant should appoint a specialist restorer as if brickwork is not restored properly it could cause long term problems to the occupier;
- GHT – confirm that there are no objections and support the recommendations of the MfH to liaise with a restorer to ensure heritage fabric restored and corrected correctly. Also request interpretation panels to be installed at relevant locations around and on approach to site so visitors and employees are aware of heritage and history of the battery and location.
- TSD – confirm that there are no objections and set out a number of technical requirements to form part of Informative of the PP should the Commission approve the application.

CK presented the assessment of the TPD confirming that they welcome the project and consider it will provide a sensitive adaptation and refurbishment of Battery to bring a new use showcased within what will be a rejuvenated heritage asset. CK went on to advise that the TPD consider that the comments raised by GHT regarding interpretation are valid, and should form a condition on the Planning Permission allowing for the importance of the heritage asset to be interpreted.

CK summarised that TPD recommend that the application should be approved subject to conditions requiring:

- details of the interpretation panel details to be submitted and agreed by heritage bodies and reviewed by Subcommittee;

- refuse requirements being resolved prior to a PP being issued; and
- other standard conditions including requirement for the applicant to engage professional restorer.

The Chairman invited Jonas Stahl (**JS**) on behalf of the applicant to present any additional information of the application to the Commission.

JS confirmed that the applicant is liaising directly with the Cleansing Superintendent to clarify where the existing refuse provision was located within the GibDock, and advised that an agreement has since been reached with Cleansing Superintendent.

GM requested clarification to the new stairs providing access to the top level, covered by a glazed enclosure.

JS confirmed that the top level of the battery is not directly connected to the levels below. Next to the position of the proposed marquis, was a roof element that collapsed and proposal introduced a cover over only the extent of the collapsed roof above the staircase leading up to the platform on the top level. There is an approximately two metres gap between the Battery and the ending of the glazed enclosure.

MESCE reminded the Commission that the development would be subject to the applicant obtaining a Heritage Licence and overall welcomed the project as a positive use of a heritage site.

CAM emphasised that this application involves a very comprehensive restoration of the Battery which has been left derelict and mistreated for a long time, and stressed that it would show development potential for similar places to be brought to modern use and facilities for future.

JH enquired that if there was a possibility to open up the site and the top level platform to the public as it offers an impressive view and unique vantage point.

JS reminded the Commission that the site is within the GibDock area where security arrangements including access are in place, but expressed that it is the intent of the client to showcase GibDock more widely, possibly allowing visits within a coordinated fashion and they would be open for admitting visitors if security of site is not compromised.

The application was approved unanimously.

### **260/23 – F/18690/23 – Rear of Forbes Building, Forbes Road -- Proposed enlargement of electricity substation.**

CK presented the application informing the Commission that the applicant is seeking planning permission to enlarge the existing substation located in the car park to rear of Forbes development which involves the loss of one car parking space. CK confirmed that the enlargement of substation is required to cater for increased requirements along Devil's Tower Road moving forward and it has been designed in consultation with Gibelec. CK noted that the Commission approved the existing substation in November 2000 subject to a condition that noise levels for the new substation are not to exceed existing background levels by more than 3dB.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- GHT – confirm that there are no heritage objections;
- MfH – confirm that there no heritage concerns;
- TSD – confirm that there are no objections;
- MoT – requested the application to be tabled at TC; and
- TC – confirmed that there is no objection to the loss of car parking space for infrastructure requirements.

CK presented the recommendations of the TPD confirming that there are no objections to enlargement of the substation and that this is a sensible approach rather than construct a new substation which would have a bigger land take. CK acknowledged the loss of car parking space, however, noted that the TC had not objected to this. CK also confirmed that the TPD had noted that the condition on the original PP for the substation restricting noise levels to protect residential amenity, and considered that this condition should also be included on the PP should the Commission resolve to approve this application.

CK informed the Commission that overall, the TPD recommend approving the application subject to the noise level condition and other standard conditions.

In response to a query from JH, CK clarified the substation's position and location as well as its relationship to closest to residential buildings.

GM enquired if there was a requirement for substations to be integrated into forthcoming developments.

The Chairman explained that GibElec requires the extension to serve the whole area as opposed to build a new one elsewhere and invited Stephen Martinez (SM) on behalf of the applicant, to address this query.

SM explained that the extension and location was suggested by GibElec to serve future developments and demands in the wider area not only the Forbes development.

The Chairman motioned for a vote on the application.

**In Favour – 9**

**Against – 0**

**Abstentions – 2**

The application was approved by majority in line with the TPDs recommendations.

**261/23 – O/18712/23 – South/West Corner Of Europort Development -- Proposed beautification of an existing access road, construction of four new town houses and re-development of a garden landscaped area with additional amenities**

CK confirmed that this was an outline application and that the application site is located on part of landscaped gardens and amenity area for Atlantic Suites situated behind the main Europort Towers 1 to 9 including pool, changing rooms and toilets, as well as existing access road to the rear of site. CK informed the Commission that the site is privately owned and access is limited to tenants of Europort, the residents of Atlantic Suites and members of

Atlantic Suites Gym who have access to the existing pool and garden amenities located on site. CK confirmed that the site adjoins the St Bernard's Hospital garden to the north and west and Mediterranean Rowing Club to the south and the existing revetment to west and features a number of existing trees located on site and sky lights which provide natural light to car parking garage below Europort.

CK advised the Commission that the proposed development comprises:

- construction of four x town houses in a seafront residential development orientated westwards alongside revetment;
- the town houses comprise four x bedrooms and are four stories in height, with a modern design and with two car parking spaces provided for each house;
- access to be provided via a beautified promenade along the site's southern boundary. This promenade would see a re-surfaced road of permeable pavers as well as the suitable and measured introduction of planters and planting to aid in beautifying an area that is currently comprised of an unattractive dirt road;
- reconfiguration of amenity space for Atlantic Suites including relocated pool and a paddle court in a new Resort Garden with access maintained to existing changing room facilities;
- existing trees on site retained or re-provided on site with additional trees to be planted to provide landscaped buffer and privacy between residential development and Atlantic Suites Resort Garden, but also to create a net increase in vegetation than currently exists. There is no loss in green space as a result of permeable pavers, private gardens and garden pathways as well as new Resort Garden;
- additional parking (five x car parking spaces) in Europort car park level as part of proposals;
- a minimum 4m clear width provided for revetment access for maintenance of the revetment; and
- indicative sustainability measures include provision of PV panels, the building being orientated to west to protect from solar gains, the use overhanging balconies and brise soleil roof feature to maximise shading as well as a green roof above basement level, EV charging points and grey water harvesting.

CK advised the Members that the application was subject to public participations and that the applicant had served notice of application on the Management Company and placed Section 25 notices on and within Atlantic Suites. CK confirmed that the TPD had received two sets of representation during the public participation process. One was from a residents within the Europort complex who had requested to address the Commission and another from Robert Owens (RO).

As RO has not wished to address the Commission, CK provided a brief summary of the objection setting out that RO had recommended the incorporation of a public promenade from the back of hospital to the Rowing Club and Europort Road along the sea front as a public amenity gain from the development.

The Chairman invited Jon and Sandra Holton (J&SH) to address the Commission.

J&SH confirmed that they objected the application and expressed concerns regarding:

- loss of green space;
- loss of ambience; and

- that construction of the new road, trees and four more houses, and the building of all facilities to be relocated into the restricted area itself (both the construction and the future use) will affect residents, hospital patients and the users of offices located in the Europort buildings.

The Chairman invited Joaquin Rodriguez (JR) on behalf of the applicant to address the points raised by J&SH. JR referred to the counter representations already circulated to members. The Chairman clarified that the counter representations had been circulated to Members and invited questions from the Commission.

MESCE and MT expressed serious concerns regarding building right on the waterfront in terms of rising seas and increasing storm threat is a risk which may result in being wiped out in a future storm similar to the 2009 storm that happened at the same promenade. Enquiries were made if there was any risk assessment taken into account on storms with 1 in 50 or 100 years probability etc.

JR stated that in terms of flooding a receding water permeable surfaces have been applied on the access promenade and in terms of storms the development is keeping four metres away from the revetment as requested by TSD for future maintenance, but no risk assessment was conducted.

MT referred to the representations of RO and enquired if plans could possibly incorporate the future vision of the Active Travel Strategy (ATS) for public access alongside the revetment and creating a public space there with public access and cycle lanes. MT cited the example of Marbella where construction is set behind and resident walk out onto a public waterside promenade. MT also asked for confirmation if the applicant was aware of that conceptual plan in the ATS.

JR stated that the proposal of the ATS has been cited in the counter representations that had been submitted and drew attention that ATS includes a core cycle network proposal for a Revetment Wall Promenade Route – West View Park to Mid Harbours providing alternative means of achieving the objected goal of enhancing public access.

JH pointed out that promenade revetment cycle lane option referred to in the counter representations says that it would not be possible and justifies it by referring to other places elsewhere where cycle traffic could go which means that application was not considering to include the objectives of the ATS. JH noted it is a very private development but it could be a give-back to the community which is losing open green space where many people are benefitting and seconded MESCE's comment on building on the Seafront.

The Chairman added that encouragement of public access to waterfront was not just an ATS objective, but there is a policy incorporated into Gibraltar Development Plan (2009). Due to audio difficulties suffered by JR in answering Members questions the Chairman summarised the position of the counter-representation that they are not proposing public access, but would welcome the idea of a public promenade in the front of the development in some point in the future.

MESCE challenged the assumption of the development not resulting in a net loss of green area, and stated that despite the reassurance that there is going to be more greenery, there is going to be a sizeable net loss of considerable green area.

CK clarified that the green area calculation provided by the applicant of the loss of green area was based on that they are re-providing the same amount of green area in the form of permeable footpaths and permeable road surfaces.

MESCE stated that permeable surfaces are not comparable to a lawn or bushes and trees, and concluded that it is a net loss of green area.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DOE – confirm that they require a predictive EPC and sustainable and renewables assessment showing how the scheme meet NZEB standards to be submitted in support of the full application, as well as bat and bird survey to be undertaken prior to commencement of any works as area is a known breeding ground for blackbirds and sparrows, confirmation that works must not impinge on revetment as this is a sensitive site hosting European protected species, as well as requiring a full tree survey to be submitted in support of full application and required the applicant to demonstrate a 10% biodiversity net gain to be provided in the full application and that this cannot include permeable surfaces;
  - GHT - confirm that there are no heritage concerns;
  - MfH – confirm that there are no significant concerns with the construction of town houses and additional amenities;
- TSD – confirm that there are architectural objections on basis of that the proposal is an over development of the site and it diminishes the use of existing landscaped areas and discards use of existing amenities, namely the public pool and existing gardens and confirm that there are no technical objections to the proposed development.

CK informed that Commission that the application is to be tabled at the next Traffic Commission meeting and no responses have been received from LPS, the MoEq and the MoT at the time of preparing the planning assessment.

CK presented the TPD assessment of the application and informing the Commission that there was no objection, from a planning perspective, to the use of private land to provide a residential development in this location. CK confirmed that the TPD noted that the Atlantic Suites facilities are being re-provided and added to in a resort deck with provision of paddle court to complement the pool and in terms of design, the TPD considered that the proposal is well designed and is an interesting concept similar to the one Commission approved at King's Wharf, and noted the efforts made to provide screening between resort deck and residential development by planting of large trees and hedges, and that the screening and beautification of access road is also welcomed.

CK advised the Commission that the TPD noted concerns raised by the objector and architectural concerns of TSD regarding loss of green area, which had also been raised by Members, however, welcomed aspects the application included such as permeable surfacing and provided that applicant can prove that a net increase 10% biodiversity gain in the full application in detailed landscaping plans excluding permeable surfaces as requested by DOE, the TPD would not have any objections.

CK noted that the TPD considered that the visual impact of the proposed development is considered to be minimal and the public view would only be seen from sea. CK also noted the requirements of the DOE for the development to meet NZEB standards and that there will be a minimal increase in vehicular movements onto Europort Road. CK noted objectors' concerns

regarding public promenade and the policies of GDP as well as the ATS vision that this has identified this as a possible future project’.

Overall, CK advised that the TPD would recommend approval of the outline application subject to clearances from the TC and specific conditions on the OPP to include:

- renewable requirements;
- confirmation on that works must not impinge on the revetment;
- the undertaking of a full tree survey; and
- Provision of detailed landscaping plans confirming 10% biodiversity net gain which cannot include permeable surfaces.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

HM commented that the revetment was designed to 1 in 200 year storm return period. This standard had been set by TSD for a good number of years now and also noted the 4 metres clearance between revetment and buildings. He reminded the Commission that the standard policy was for a clearance of 5 metres to be maintained to allow access for equipment and machinery e.g. an excavator used for maintenance is 4 metres wide already and it needs to move and manoeuvre and it is just the 2D aspect, as the upper part of machinery needs space for turning and balconies might be too close (less than 6metres above revetment). HM suggested that the 4 metres gap should be increased to a 5 metres distance to be discussed with TSD and that it would be subject of objection in any other case.

HM reminded the Commission that there even though the inner harbour was protected , other possibilities had to be taken into account, for example if any of the outer moles were ever to be breached, then the revetment might be affected and the ability and space to react is needed. HM also seconded MESCE and MoT comments on building houses onto the water front and reminded the Commission that the revetment was built with climate change and a 0.5 metres sea-level rise in mind, the way climate change is going this allowance might need to be reviewed shortly.

The Chairman confirmed that HM comments were noted.

JH stated that all concerns expressed including climate change and the lack of public provision would outweigh the architectural considerations, even though the design fits well but should not to be supported on this particular location.

The Chairman summarised that the recommendation is for the Commission to approve the application subject to conditions, and if DPC was minded to approve the scheme conditions can be incorporated into any OPP meaning that they need to be addressed prior to the submission of the full application.

The Chairman called for a vote on the recommendation to approve the application including issues and specific conditions raised by HM to the OPP.

**In Favour – 5**

**Against –5**

**Abstentions – 1**

Due to the split decision the Chairman used his casting vote in favour of application.

The application was approved in line with recommendations presented by the TPD and conditions for the applicant to address the points raised by HM.

**262/23 – F/18718/23 – 3A Gowland's Ramp -- Proposed unification of existing residential flat and dwelling into a single unit as well as side and lower basement extensions/alterations, with associated alterations within residential property and to fenestration.**

CK confirmed that this was a full planning application and that the site comprised an early colonial era 19th century building comprising three properties (The Flat, 3A and 3B Gowland's Ramp) which has had a number of minor extensions and refurbishments undertaken over last 10 - 20 years including installation of glass balustrading. CK reported that the applicant is seeking full planning permission to amalgamate The Flat and 3A to provide an extended five bedroom house.

CK advised the Commission that at:

- Street level (level -03) the proposals comprise an excavation to create lobby and access for lift to house above;
- Level -02 excavation the proposals comprise the creation of a residential basement level with indoor pool, bedroom and bathroom, to have an access on the north and installation of three windows on the west facing elevation including contemporary window openings;
- Level -01 the proposals comprise the extension of existing dwelling over what is currently a yard and access stairs to connect to the dwelling above with installation of two contemporary window opening on west facing elevation;
- Level 00 the proposals comprise the partial side extension with creation of roof terrace over new extension below, with shutters added to existing window openings and continuation of previously approved glazed balustrading and installation of one contemporary window opening;
- Level 01 the proposals comprise the extension of existing terrace over proposed side extension with replacement pitched roof above and traditional windows and shutters.

Following this CK advised the Commission that the elevation changes see the installation of larger modern window openings, the continuation of glazed balustrading previously approved and installed and the introduction of floor bands and shutters on upper floor windows.

CK confirmed that the application has been subject to public participation and no public representation has received.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- GHT –confirm that the unification of building is welcomed, and consider that this would tidy up this part of Gowland's Ramp and Prince Edward's Road, and whilst noted the rationale of architectural language, were of the opinion that use of glazing and modern openings on lower parts of the building is excessive and contrasts with surrounding Old Town architecture and recommended revisions to reduce the glazing profiles of the window elements of fenestration on the lower levels and that they

should be replaced with more traditional features such as steel balustrading and other colonial features of the Old Town.

- MfH – confirm that there are no significant concerns with unification of property; and
- TSD – confirm that there are no technical objections.

CK presented the TPD assessment of the application confirming that there are no objections to amalgamation of properties or scope of extensions proposed. CK confirmed that the TPD welcome the reconstruction of the pitched roof and consider that the massing and scope of extension has an acceptable visual impact on street scene.

CK explained to the Commission that the TPD has no objection to the glazed balustrading as this has previously been approved by Commission in the building and in the area and would rather see the continuation of one type of balustrading than mix of clear and traditional balustrading and also welcomed the traditional windows on upper floors on property.

CK advised the Commission that the TPD had some concerns regarding larger modern window openings in the fenestration on the lower levels of the building and considered, in the overall context, the scheme appears to be discordant to apply for two distinct types of window openings to be provided within one scheme, and that larger modern window openings should be revised to larger traditional windows with shutters to match those on upper levels as this element will be visually prominent from Prince Edward's Road.

CK confirmed to the Commission that the overall recommendation of the TPD is to approve the application subject to revised plans being submitted to address the fenestration elements of the larger windows to be replaced with something more traditional and more fitting, as it will be part of the wider view of Old Town and confirmed that revised plans would need to be submitted for approval at the Subcommittee. CK confirmed that if the revised plans are accepted by the Subcommittee, the TDP would then issue a PP subject to conditions requiring:

- a predictive EPC to be submitted;
- final bat and swift nesting sites to be agreed;
- details of PV panels to be submitted for approval; and
- other standard conditions.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MESCE reminded the Commission that totally transparent glass balustrading may present death trap to swifts colliding with it and asked the glass balustrades could be treated with colour or tinted glass or any other preventive features available at the market to prevent bird collusion.

MT enquired about parking provisions and requirements.

CK clarified that there are no issue in terms of parking, it stays the same as no new residential units to be created.

CAM enquired if the proposed glass balustrading could be replaced with traditional railing in order to address MESCE concerns and to provide a permeable solution with no visual impact on the heritage building.

CK explained that the existing glass balustrades already approved are covering approximately two thirds of the existing building and this application only involves a small part to the extension.

The Chairman invited DR of behalf of the applicant to address the Commission.

DR confirmed that client is happy to change the new one and has no objections to the suggestions as the old part of the house has traditional railings. They might prepare the extension to the same manner while keeping the bit of the glass slightly tinted, where the new pool would go which is a place of interaction between the glass and the steelwork as it has a lower visibility and introduce steel work other side. They will provide ideas and the kind of part traditional steel work / tinted glass options when revisiting the window treatment.

CAM accepted the direction offered by DR and provision of alternatives.

The Chairman moved to take to approve the application while parking the issue of railings where decision on options provided by the applicant is to be taken at Subcommittee level. If the outcome is glass balustrading then conditions would incorporate measures for preventing bird collision, which would not apply if traditional railings were to be proposed.

The application was approved unanimously and the applicant is to provide a revised design of fenestration and address the issue on balustrades to be submitted for approval and to be tabled at a future Subcommittee.

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

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

**263/23 – F/18640/23 – The Rock Hotel, 3 Europa Road -- Proposed refurbishment of existing fifth floor into luxury suites, including conversion of present flat roof deck into private suite terrace and installation of new timber shade pergola.**

This application was approved.

**264/23 – F/18741/23 – 2 Frazer's Ramp -- Proposed alterations and extension to existing building to create a single dwelling.**

This application was approved.

**265/23 – F/18757/23 – Carrick House, 6 St Christopher's Alley -- Proposed extension and part refurbishment to existing property.**

This application was approved.

**266/23 – F/18818/23G – Campion Park -- Proposed installation of Covid-19 Memorial Monument.**

This application was approved.

**267/23 – MA/18604/23 – 4 Engineer Battery, 32 Rosia Road -- Proposed alterations to property including the installation of skylights.**

#### ***Consideration of Minor Amendments including:***

- ***installation of a roof balcony inserted in the roof instead of a sky window; and***

- *internal alterations to property.*

This application was approved.

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

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

268/23 – F/15114/17 – 2 Flat Bastion Mews and 14 Flat Bastion Road -- Proposed installation of awning.

269/23 – F/18240/22G – Royal Gibraltar Regiment Association, 122 Irish Town -- Proposed refurbishment works to property, including installation of a new roof to the rear patio area, creation of level access by means of an internal ramp, together with a complete new services installation.

#### *GoG Application*

*Consideration of proposed signage to discharge condition No. 2 of Planning Permission No. 8558.*

270/23 – F/18408/22 – Flats 1 and 2, 42 Prince Edwards Road -- Proposed side extension and internal layout and redecoration of property.

271/23 – F/18514/22 – 5 Lynch's lane -- Proposed refurbishment for decontrol of flat to include replacement of windows.

272/23 – F/18603/23 – House 17, The Island, Queensway -- Proposed residential refurbishment and alterations to include a new external staircase from basement to the rear garden.

273/23 – F/18630/23 – Flat 5, Cheshire House, Buena Vista Estate, Acland Avenue -- Proposed single storey residential extension over an existing multi occupied residential building.

*Consideration of frosted privacy screens in accordance with DPC decision.*

274/23 – F/18669/23 – 5 Secretary's Lane -- Proposed replacement of existing fire door/exit on the ground floor. Installation of replacement door and cutting surrounding wall as appropriate to make it fit.

275/23 – F/18691/23 – Flat 2B, 13 Parliament Lane -- Proposed change of windows and internal alterations.

276/23 – F/18700/23 – Unit B, The Old Bank, 17-21 Cannon Lane -- Proposed minor internal alterations to commercial unit to allow for new hairdressing salon.

277/23 – F/18705/23 – 221-222 Mauretania Both Worlds -- Proposed installation of a bioclimatic pergola and glass curtain windows.

278/23 – F/18706/23 – NatWest, 55 and 57 Line Wall Road -- Proposed installation of new entrance to enable internal refit of the properties and associated.

279/23 – F/18730/23 – 89 Queensway -- Proposal for a new fence and vehicle gates, new fire escape/access doors, replacement of existing workshop door for a roller shutter, internal storage and offices, and installation of signage on main facade.

280/23 – F/18742/23G – Levant Battery -- Proposed assembly and erection of 9.2 inch gun.  
*GoG Application.*

281/23 – F/18768/23 – 24A Prince Edward's Road -- Proposed terrace refurbishment and beautification

282/23 – F/18792/23 – 911 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains.

282/23 – F/18795/23 – Flat 3, 7 Bishop Rapallo's Ramp -- Proposed extension in the existing terrace and refurbishment of terrace to remain as well as removal of the asbestos roof sheeting.

284/23 – F/18800/23 – Flat 3, 17 Castle Street -- Proposed installation of an air-conditioning unit on the exterior wall complete with decorative ironmongery.

285/23 – F/18802/23 – 30 Ragged Staff Wharf, Queensway Quay -- Proposed replacement of windows and doors to match others in surrounding area.

286/23 – F/18803/23G – Gibraltar Botanical Gardens -- Proposed minor internal alterations and refurbishment works to existing structure.

*GoG Application*

287/23 – F/18810/23 – Flat 36, Quay 27, King's Wharf -- Proposed installation of glass curtains.

288/23 – D/18686/23 – 70-72 Devils Tower Road -- Proposed demolition of existing masonry, concrete & steel frame showroom structure compromising of showroom, workshop and car park.

289/23 – A/18713/23 – British Lines Road, Site 88023 -- Proposed billboard and banners on site hoarding.

290/23 – A/18777/23 – 9 Devil's Tower Road and 5 Lady Williams Close -- Proposed hoarding.

291/23 – A/18784/23 – 260 Main Street -- Proposed office sign.

292/23 – A/18805/23 – Fencing at the children's playground (Cathedral Square) -- Proposed installation of banner to advertise Gibraltar Wine Festival.

293/23 – A/18811/23 – Fencing at the children's playground (Cathedral Square) -- Proposed banner to advertise the Eco Festival.

294/23 – MA/18544/22 – 441 Watergardens, Waterport Road -- Proposed internal refurbishment of penthouse apartment and extension of roof overhang and onto existing terraces.

*Consideration of Minor Amendments including:*

- *installation of safety balustrading to terrace 1 and 2 of 15cm and 20cm height in security glass to comply with approved document part k protection from falling collision and impact; and*
- *change glass balustrade to steel handrail in grey to match existing colour scheme.*

295/23 – MA/18656/23 – 3 City Mill Lane -- Proposed internal refurbishment of third floor and communal areas, refurbishment of the building and proposed new extension at the roof level.

*Consideration of Minor Amendments including:*

- *subdivision of the second floor from a three-bedroom dwelling into a two x apartments.*

296/23 – MA/18739/23 – 125-127 Main Street -- Proposed conversion of penthouse apartment into several residential units and terrace extension.

*Consideration of Minor Amendments including:*

- *revised apartment layouts to third floor level; and*
- *new residential unit at fourth floor level.*

297/23 – Any Other Business

No other business raised.

Chris Key

Secretary to the

Development and Planning Commission