

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 11th meeting of 2023 held remotely via video conferencing on 23rd November 2023 at 9.30am.

Present:

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

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

The Hon Dr. J Cortes (MEEC)
(Minister for Education, the Environment and
Climate Change)

The Hon Leslie Bruzon (MICS)
(Minister for Industrial Relations, Civil
Contingencies and Sport)*

Mr. E Hermida (EH)
(Chief Executive)

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

Mr. A Brittenden (AB)
(Land Property Services)

Dr. K Bensusan (KB)
(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. J Celecia
(Minute Secretary)

Apologies:

Mr. H Montado (HM)
(Chief Technical Officer)
Mr. G Matto
(Technical services Department)

Mr. C Viagas (CV)

Mr. Kevin De Los Santos (KDS)
(Land Property Services)

*Acted as alternate to The Hon Dr. J Cortes for a short period only whilst The Hon Dr. J Cortes had to leave the meeting temporarily.

Approval of Minutes

298/23 - Approval of Minutes of the Minutes of the 7th meeting of 2023 held on 29th June 2023 and approval of Minutes of the 10th meeting of 2023 held on 7th September 2023.

The draft minutes of the 7th meeting of 2023 held on 29th June 2023 were approved and the draft minutes of the 10th meeting of 2023 held on 7th September 2023 were approved subject to the corrections received from HM and comments to be provided by JH.

Major Developments

299/23 – O/18702/23 – West Place Of Arms, Corral Road & Devonport Apartments -- Proposed demolition of the existing apartment block, exposure of underlying fortifications, creation of new historic urban beautification area including cafes, restaurants and commercial units and, construction of a new residential development.

CK introduced the application and the Chairman invited Christian Revagliatte (CR) from GC Architects and Chris Finch (CF) to present the scheme to the Commission. CR provided a detailed overview of the site and surrounding that make up the project and set out the need for revitalization before showcasing the original format of the fortification and explaining the segmented layout of the proposed development, both at ground and upper levels, including parks, landscaped areas, and a new path link before detailing the design concept of the 22 storey residential tower. CF went on to emphasize that the project was in the public interest, that it was a one off opportunity for urban renewal and that the existing building is in a redundant state which makes a negative impact on the City Walls.

MEEC raised enquiries regarding the funding of heritage-related enhancements and sought clarification on whether the applicant had communicated with Highways Department. CR underscored the need for dialogue with Highways, the Department of Environment and the Ministry of Transport concerning potential impacts on the public highway. MEEC sought further information about the increase in housing stock mentioned by CF. CF responded by providing an update on residential occupancy at Devonport House, noting that 60% of the accommodation currently remains unoccupied.

The Chairman invited James Oton (JO), an objector, to address the Commission.

JO, a resident on the 15th floor of Ocean Spa Plaza, addressed the Commission, voicing concerns about the height of the proposed residential element of the development and highlighting issues relating to the shadow which would be cast over the Marina Views building and advocated for a redesign, specifically focusing on height. In conclusion, he, along with owners at Ocean Spa Plaza, expressed strong objection to the proposed development.

The Chairman invited Joe Pilcher (JP) and Ian Farrell (IF), objectors, to address the Commission.

JP raised concerns about the application's perceived lack of benefits for Gibraltarians, potential impacts on nearby families and businesses, and the absence of permission from some consultees. IF of Hassans critiqued the project against the Gibraltar Development Plan, citing contradictions and advocating for the refusal of the application.

The Chairman invited John Calderon (JC), an objector, to address the Commission.

John Calderon, speaking on behalf of Action for Housing, emphasized heritage concerns and expressed worry about the well-being of residents in the application area. JC underscored that his objection is primarily rooted in the potential detrimental impact on existing residents at Devonport House and raised a query regarding the investigation into housing concerns for these residents, highlighting the challenge of high rent in Gibraltar as a significant issue for them.

The Chairman invited the applicant's team to respond to the points raised by the objectors.

CF responded, addressing concerns about view loss, asserting no entitlement to views in Gibraltar, and expressing flexibility on the project's height. CF stressed the poor state of the walls and the application's role in enhancing the area. CF also re-emphasized the need for urban renewal due to limited space, along with the project's privately funded nature.

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

- DOE – require a Visual Impact Assessment of the proposed development, NZEB compliance, and inclusion of bat and swift nesting sites;
- DCA – require an Aeronautical Assessment to be submitted in support of any full application and this would need to include a safety argument as the proposals currently breach the Transitional Obstacle Limitation Surface;
- DoHsg – express no objections to the proposed development but, however, voice concerns for existing tenants in the area;
- GHT – oppose the residential block's design, deeming it excessive and incongruent with historic elements;
- MfH – support regeneration but oppose increasing encroachment on City walls, deeming the proposed tower visually overpowering;
- TSD – object due to the proposed tower's location and height of the development, which would set a detrimental precedent;
- TC – oppose the proposed public highway alterations, and require any works to be only undertaken in the applicants lease boundary.

CK said that in respect of the Town Planning Department's (TPD) assessment of the application the scheme that has been submitted for outline planning permission is not considered to be acceptable on the basis of the precedent that allowing a development of this scale and height at this location would set, along with the harm a development of this scale and height would cause to the setting of scheduled monuments and the surrounding area in general including the Old Town, and in particular, the visual impact of the residential tower when viewed from Casemates Square looking to the North.,

CK referred to the inadequacies of the applicant's argument regarding the City Walls' enhancement through the demolition of existing structures, stressing the necessity for demonstrated assurances against irreversible harm. CK went on to question the appropriateness of the scale and height of the proposed tower in respect of the broader urban landscape, emphasizing concerns about segregation from existing structures and the potential precedent-setting impact on the area's architectural character.

Whilst CK acknowledged the potential positive aspects of proposed beautification works, that would improve both the public realm and public access to historic monuments in this part of

Gibraltar, he stressed that the harm caused by the scale and height of the proposed tower would significantly outweigh any benefits arising from the proposed beautification works. He stressed that parts of the proposal site are not currently within the applicant's ownership, most notably Corral Road and the West Place of Arms fortifications where the beautification works are proposed, and that whilst the TPD supports the beautification of the public realm, the applicant also needs to demonstrate that they have consulted all relevant landowners and that these proposals are supported and deliverable.

In conclusion, CK recommended to the Commission that the application should be refused. CK stated that although the TPD appreciates the potential demolition of the Devonport Building and the beautification of heritage assets, it firmly opposes development on, or adjacent to, listed scheduled monuments. He referred to the Commission's historical efforts to remove structures from the City Walls and argued that permitting development in this location would establish a precedent for future schemes, and would be contrary to Policy ENV 22 (Setting of Protected Monuments) of the GDP and OTC 5 (Protection and Enhancement of the City Walls) of the Old Town Plan.

MEEC temporarily left the meeting and was replaced by MICS.

Minister Garcia presented his views on the proposed development, underscoring the current administration's opposition to tall buildings and the imperative of environmental preservation. The absence of an agreement with the Government as a landlord was acknowledged, and alignment with Town Planning's recommendation for refusal was emphasized, however, he acknowledged that there may be the potential to bring forward a much reduced development on part of the site.

Claire Montado commended the objectors, agreed with the TPDs recommendations on the project and articulated apprehensions regarding building height and its potential impact on the setting of the City Walls.

The Chairman asked if the members were in agreement with the recommendation to refuse the application. The application was unanimously refused.

Other Developments

300/23 – Ref. 1569 – Hassans Centenary Terraces -- Proposed enclosure of balconies with window units.

CK introduced the item explaining that the contractor for Hassans Centenary Terraces (HCT) has submitted details and visuals for the potential enclosure of balconies with window units and seeking the Commission's informal guidance on the proposal.

CK confirmed that whilst this is not a formal planning application, the contractor wishes to understand the Commission's position to provide residents with a steer on how future applications would be determined.

CK confirmed that the architectural and urban design aspects of the HCTs were initially considered as part of the original Government of Gibraltar application for the site, which was supported by an Environmental Impact Assessment including a Landscape and Visual Impact Assessment. These assessments confirmed that the development would result in adverse

landscape visual impacts and that these had been mitigated in part, through the introduction of vertical elements and set back balconies to reduce the perceived massing of the scheme.

CK confirmed that it is understood that the development cannot accommodate glass curtains and the contractor is therefore proposing 7 x typologies of window installations that could enclose the balconies within the development

CK confirmed that the contractor had produced visuals to show the potential impact on the development should they be installed on an ad-hoc basis throughout (i.e. on the basis that not all residents would want to install them.

CK confirmed that after careful review, the TPD would not be supportive of the window enclosures due to concerns about compromising architectural articulation, fenestration, and the overall design concept and citing the adverse visual impact already identified in the EIA. CK outlined that the TPD was also concerned about creating a cluttered appearance on a hugely prominent development in Gibraltar.

CK went on to note the Commission's historical move away from allowing window units within balconies and the success of glass curtains in minimizing visual impact and that the TPD considers that approving window units on HCTs would set a precedent for similar arrangements on other developments. CK stressed that the enclosure of balconies via glass curtains or other features such as window units is something that should be considered at planning stage and not when a development has already been constructed.

CK recommended that the Commission should confirm to the contractor that the enclosure of balconies with window units would not be acceptable.

The Chairman provided a summary of CK's assessment and emphasized that the primary purpose of presenting this item is to seek advice from the Commission, on the proposal to enclose balconies with window units.

JH addresses the Commission, expressing that the ESG had opposed the HCT project from the outset, and acknowledged that the challenging weather conditions in the area, coupled with the extreme height of the buildings, pose difficulties for owners and that this factor should have been planned for in the original design and that a solution should have been found for residents.

The Commission agreed with the TPDs position on the proposals and the Chairman confirmed that the TPD will write to the contractor confirming that the Commission does not endorse the proposals.

301/23 – F/17971/21 – Blossom House, 12/3 Buena Vista Road -- Proposed attic conversion and associated external and internal alterations, installation of new window and door openings, addition of a plunge pool with decking and a seating area within existing external garden area, erection of a terrace on the 1st floor level and the conversion of a lower ground floor area into a summer room.

This item was deferred at the request of the agent on behalf of the applicant.

302/23 – F/18473/22 – 16-18 Witham's Road -- Proposed internal refurbishment, internal alterations, rear extension and garage conversion.

CK provided an overview of the application which had been referred to the Commission by the Subcommittee. CK stated that the site is a part two and part two and a half storey building comprising two flats on Witham's Road, and that the building has two entrances: one on the north elevation and another on the east elevation.

CK confirmed that the proposals comprise distinct elements: the removal of the arched entrance on the north elevation to create a garage, with no impact on on-street public parking as well as a ground floor extension within the patio on the west façade of the building, providing a TV room with a first-floor terrace, complete with glass balustrading and a timber shade pergola and an external staircase connecting these elements.

CK referred to the planning history of the site, noting the unanimous approval of an outline application by the Commission in May 2017, for the demolition of the existing building and the construction of a new residential building and that the GHT had commented at the meeting that despite no case being made to justify demolition of the bldg. they did not consider that the bldg. had any architectural merit.

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

- GHT - objected to the conversion of the ground floor side entrance into a garage, citing potential negative impacts on the streetscape and setting a precedent;
- MfH - objected to the removal of the historic archway for the introduction of a garage door, expressing concerns about setting a negative precedent;
- TSD - initially raised concerns about the garage but, following the submission of a detailed Swept Path Analysis, the applicant had addressed these concerns; and
- TC - approved the application after the submission of a detailed Swept Path Analysis confirming no loss of on-street public parking, with the condition that no further public parking is lost in the future.

CK said that in respect of the TPD assessment of the application that there were no objections to the extension and alterations on the West façade of the building or internal alterations, however, there was no consensus in respect of the loss of the arch and the provision of the garage

CK confirmed that whilst the TPD acknowledges the heritage concerns, raised by the GHT, on this occasion the TPD do not agree with them. This is on the basis that Commission had previously established the principle of demolishing the building, which was considered not to have any architectural merit and that the proposal would not result in the loss on any on-street public car parking

CK confirmed that the possibility of setting a precedent in this instance is considered to be limited, as each application for this type of work would be considered on a case-by-case basis, and would need to take into account factors such as the heritage credentials of each building and whether the proposed garage would lead to the loss of on-street public parking. In this instance the building has more modern building design features including a rendered finish, which distinguishes it from the more traditional and colonial architectural style of other

buildings in the area and, therefore, the TPD recommended approval of the application, subject to standard conditions.

CAM addressed the Commission expressing that she did not recall the demolition of the building being a unanimous decision at the time and highlighting that since the previous application was considered the Heritage and Antiquities Act came into force in 2018 and is relevant to this application and noted the loss of the ground floor to a garage, a matter that has been pushed back by the Commission in other applications.

CK reconfirmed that the Commission unanimously approved the demolition of the building in determining the previous application.

The Chairman motioned for a vote on the application.

In Favour - 6

Against - 1

Abstentions - 2

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

CAM requested that the stone removed from the arch during construction be salvaged for reuse in constructing the new arch. The Chairman confirmed that this would form a condition on the Planning Permission.

303/23 - F/18530/22 - Glacis Estate -- Proposed installation of photovoltaic panels.

CK confirmed that the proposed works involve the installation of a total of 1,048 x photovoltaic (PV) panels on the roofs of seven buildings within the Glacis Estate ranging in height from six to seven storeys, and strategically oriented to optimize solar exposure with a nominal power output of 510 kW

CK confirmed that the PV panels will be affixed using the GULPIYURI structure system and coated with an anti-reflective film and will be reversible, as they will not involve any perforations or invasive treatments to the roofs.

CK confirmed that the TPD had undertaken a Visual Impact Assessment (VIA) which had confirmed that the PV panels will not be seen from street level and that there would be long distance views from Princess Caroline's Battery and Military Heritage Centre, and the Tower of Homage, as well as middle distance views from the Hanover Battery at the Northern Defenses;

CK also confirmed that a Solar Glare Hazard Study has been submitted to address concerns about glare, with proposed measures, including anti-glare film to be placed on the PV panels, to mitigate potential glare on Constitution House and Referendum House.

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

- DCA - confirmed no objections after the submission of a revised Solar Glare Hazard Report, confirming no impact on the runway and emphasizes that any flight safety issues within the first two years post-completion must be addressed by the agent and be subject to a planning condition;

- DOE - welcomes the installation of PV panels on the site, which they deem an optimum location;
- DoHsg - no objections.

CK said that in respect of the TPD assessment of the application the proposed location for PV panels is deemed suitable, and reassured that the works are reversible and have support from the DoE, DCA and DoHsg. CK confirmed that the TPD consider that the visual impact of the proposal is considered to be negligible and needs to be balanced against the environmental benefits of installing PV panels. CK noted that although there was initially a concern about glare on Referendum House and Constitution House, the TPD has collaborated with the applicant to resolve this issue and it has been mitigated through the application of anti-glare film on the PV panels.

CK concluded that overall, the TPD recommend the approval of the application subject to conditions requiring the installation of anti-glare film on the PV panels, rectification of any flight safety issues within the first two years after project completion by the agent, submission of final details for PV panels and fixtures and fittings (including color and anti-glare mitigation) for approval.

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

JH stated that this was another welcome step for sustainability in Gibraltar.

The application was approved unanimously.

304/23 – F/18531/22 – Airport Facilities Building, Gibraltar International Airport -- Proposed installation of photovoltaic panels.

CK confirmed that the proposed works involve the installation of 339 x PV panels on three existing roofs of the Airport Facilities Building with a combined nominal power output of 183 kW. CK confirmed that the PV panels will be oriented and sloping towards the south-southeast and mounted on a PICOS ballasted structure system and that the works are reversible, with no perforations or invasive treatment to the roof required, and that the PICOS frames will be placed over rubber studs.

CK confirmed that the a Bird Management Plan (BMP) and Solar Glare Hazard Study (SGHS), had been submitted in support of the application and this had had a number of iterations in order to ensure clearances from the DCA and to confirm that the proposal will not adversely impact aviation.

CK confirmed that the TPD had undertaken a Visual Impact Assessment (VIA) which had confirmed that the PV panels will not be seen from street level, with restricted views from Princess Caroline's Battery, the Tower of Homage, and Forbes Battery.

CK confirmed that notice of the application was served on Gibraltar Airport Terminal Ltd, however, no representations have been received.

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

- DCA – no objections following the submission of the revised SGHS and BMP, provided that any flight safety issues within the first two years after completion are rectified by the agent;
- DOE – welcome the installation of PV panels in an optimum location with no objections as long as the panels are non-reflective to prevent interference with aviation; and
- TSD – no objections.

CK said that in respect of the TPD assessment of the application the proposed location for PV panels is deemed suitable, and reassured that the works are reversible and have support from the DoE and DCA. CK confirmed that the TPD consider that the visual impact of the proposal is considered to be negligible and balanced against the environmental benefits of installing PV panels.

CK concluded that overall, the TPD recommend the approval of the application subject to conditions requiring that solar panels are non-reflective, addressing any flight safety issues within the initial two years post-project completion, and submitting final details of PV panels and fixtures, including color, for approval, as well as adherence to recommendations outlined in the BMP and other standard conditions.

The application was approved unanimously.

305/23 – F/18638/23 – Flat 2, 1 Tudury's Steps -- Proposed construction of terrace level to building including installation of a spiral staircase, blocking up of an existing window opening, creation of a new window opening, installation of two x air conditioning units and cladding of the building envelope with an external wall insulation.

CK provided an overview of the application detailing that the site involves a duplex apartment situated on the first and second floors of a partially two and partially three-storey building on Tudury's steps. CK set out that the proposed development entails the removal of the existing pitched roof and the construction of a flat roof terrace with a plunge pool and traditional balustrading to align with the first-floor terrace as well as the installation of a spiral staircase and access platform connecting the existing first-floor terrace to the proposed roof terrace.

CK also confirmed that the applicant is seeking to clad the external walls of the building with insulation to enhance thermal efficiency, and refurbish the building and other elevation changes including the blocking up of a kitchen window in the light well, introducing a new window on the west elevation and the installation of air conditioning units on the north and west elevations of the building.

CK confirmed that notice of the application had been served on occupiers and the adjacent resident, Lillian Ferrary (LF), who had submitted representations.

CK provided an overview of the representations of LF confirming that:

- she objects to cladding of exterior walls of building and that this cannot be carried out without consent of all owners;
- she has no objection to the opening and closing of window on west elevation;
- she has no objection to the installation of the proposed air conditioning unit within light well on west elevation.

CK confirmed that the counter representations had been submitted and these set out that applicant considers that cladding will protect building from adverse weather conditions and will insulate the building as well as improving the aesthetic appearance of the building.

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

- DoE – requiring a Bat and Bird survey to be undertaken before commencing works and using salt water for the pool;
- GHT and MfH – no objections but acknowledge the loss of another pitched roof;
- TSD – no objections.

CK said that in respect of the TPD assessment of the application there are no objections to the proposed roof terrace and whilst noting the objection to the insulation of the building, there are no objections to this element of the proposed works.

CK noted that whilst the installation of a window on the west elevation would be encroaching, there are no planning objections in this instance as the owner of the adjacent property has provided written confirmation that they have no objections to this installation.

CK confirmed that there are concerns regarding the proposed spiral staircase blocking windows and a disused fire exit, as well as the placement of air conditioning units on the north elevations of the building.

CK recommended relocating the staircase to in front of the non-habitable window within first floor terrace and relocating the air conditioning unit from the north elevation which would be in public view, to within the roof terrace or within light well on west façade and that if revised plans are submitted these can be tabled at a Subcommittee meeting for approval.

The Chairman clarified that the recommendation is to approve, subject to revised plans being submitted to address the two points CK had raised and that these would be tabled at Subcommittee.

JH raised a concern regarding the staircase and privacy issues and CK and the Chairman responded that this is an issue which has been raised by the TPD, not the objector, as they consider that it could result in a privacy concern. The TPD has requested the submission of revised drawings to address this issue.

The application was approved unanimously subject to the submission of revised plans to address the outstanding issues to be dealt with at Subcommittee prior to a Planning Permission being issued and the Planning Permission to be subject to standard conditions.

306/23 – F/18688/23 - Rear of Watergardens, Block 6 Watergardens, Waterport Road -- Proposed construction of a new metal fence with gate.

MEEC rejoined the meeting in place of MICS.

CK provided an overview of the application detailing that the site comprises an existing pedestrian access at the rear of Block 6 of Watergardens, a mixed-use development and immediately adjacent to the site is a vehicle barrier and a security office leading to the car park. CK confirmed that the pedestrian access extends through the entirety of the Watergardens development, emerging near the Curry and Sushi restaurant. CK confirmed that

proposed development involves the installation of a metal fence and a security gate at the western pedestrian entrance.

CK noted that the applicant has confirmed that the gate is deemed necessary to improve estate security at night, prevent non-residents from walking dogs and damaging the estate, prevent communal areas from antisocial behavior, and ensure residents' peace and quiet enjoyment. CK noted that the applicant had specified that the gate will remain unlocked during the day, only closing in the evenings after commercial units cease operations and that in the evening, access to the gate will be restricted to fob usage with pedestrian access to the car park still available via Block 1.

The Chairman invited Mari Chiara (MC) who had objected to the application to address the Commission

MC explained that she owns a business in the area and requires access for her clients. MC also explained that there is a clause in the lease stipulating free flow in the area.

The Chairman invited Joe Pilcher (JP) acting on behalf of the applicant, to address the Commission

JP emphasized that the targeted area has been experiencing issues related to dog fouling and the congregation of students. He referred to the success of similar initiatives in Montagu Gardens. JP further noted that the objector's bar is located in Block 2, and alternative access points, specifically at the opening by Block 1, will remain accessible, ensuring continued entry for the clients of the objector.

The Chairman queried the possibility of people going under or over the barrier to get into the area and that the proposed development would not stop students congregating as the gate would be open during school hours.

JP acknowledged that individuals could jump over or go under the barrier, however, he reassured the Commission that clear signage will be in place, explicitly indicating the restricted nature of the area and enforcement measures will be implemented through a security guard on duty from 09.00 to 17.00 to discourage unauthorized access and address any concerns arising from such scenarios.

JH queried if access to Ocean Village pontoons will be impeded.

JP confirmed this is will not be the case.

JH requested that the objector and JP communicate between themselves and that signs are adequately placed.

JP confirmed and agreed to this.

CK confirmed that representations had been received from the Management Company of Blocks 1, 2 and 3 confirming that they have no objections in principle although it will be necessary for the applicant to ensure existing rights of free movement and access/egress are respected including for commercial and office leaseholders and respective tenants, residents, and that they require an entry fob for every resident, office and commercial unit.

CK presented a summary of the consultee feedback that had been received in respect of the application confirming there are no objections from the Do, LPS or TSD.

CK said that in respect of the TPD assessment of the application while the TPD understand the reasons behind the proposed gate, they deem the proposals to be unnecessary and redundant. CK pointed out that pedestrians can still access the rear of the Watergardens complex via Block 1 at the other end of the development and walk up to the other side of the gate. CK also noted that commercial units, including restaurants and takeaways with late operating hours, would result in very few hours when the gate would be closed and that people could potentially find alternative ways to access the area when the gate is shut, such as going over or under the existing vehicular barrier and that the proposal would cause nuisance to people with mobility impairments who have travelled from Block 1 to the gate at Block 6 to find it locked and have to go back again.

CK emphasized the unique context of this mixed-use development, which is distinct from other residential estates with entry gates and needs to take into account the requirements of commercial units. CK also highlighted the proposal's visual unappealing nature and its perceived intrusiveness.

CK recommended that the application be refused for the reasons set out in the Town Planning report.

The application was refused unanimously.

307/23 – O/18755/23 – 21 Moorland Mews, Ordnance Wharf, Queensway -- Proposed extension and roof access.

CK introduced the application and provided an overview of the site, surroundings, and the planning history confirming that the two-story residential dwelling is part of the Ordnance Wharf Estate, situated between Grafton House (4 storeys to the East) and Moorland House (5 storeys to the West) and that the wider Ordnance Wharf Estate exhibits a step-up in height from east to west, ranging from 3 storeys to 6 storeys.

CK confirmed that the proposed development seeks to construct a single-storey extension between two blank party walls at third floor level. CK confirmed that the design includes a roof hatch providing access to a usable roof terrace with railings and a two meter high opaque privacy screen, set back two meters from the existing building line of Grafton House which is aimed at ensuring privacy and screening to the neighboring property while also increasing the extent of the adjoining neighbor's existing terrace by approximately 9.7 square meters.

Regarding the planning history of the site, CK confirmed that the Commission previously approved an outline application in November 2022 on majority vote for a single-storey infill extension. The previous application proposed a usable roof terrace accessed via a stair access core with railings and no privacy screen or extended terrace to the adjoining property. The Commission granted permission in line with recommendations from the TPD that the roof could be used for maintenance purposes only and accessed via a hatch. CK confirmed that these recommendations were made to preserve the character of the overall development and address valid amenity and privacy concerns raised by the resident of the adjoining property. CK confirmed that despite the Commission's approval, an Outline Planning Permission was never issued as the current application was then submitted.

CK confirmed that the application has been subject to public participation and notice of the application had been served on the Management Company and residents, and that representations have been received from two residents in the block.

The Chairman invited James Alcantara (JA) to address the Commission, however, JA had technical issues and he was not able to address the Commission, so CK provided a summary of his objections to the Commission, copies of which had in any event been circulated to the Members in advance of the meeting.

CK confirmed that JA questioned the accuracy of the current drawings, noting discrepancies such as Moorland House being approximately 80cm higher than depicted as well as expressing strong opposition to the applicant's proposals to extend his terrace and install a two meter high privacy screen, emphasizing that the applicant has not engaged in discussions regarding this aspect. CK also confirmed that JA considers that the proposed two meter high screen would obstruct views from his terrace and enclose it and feels that the overall impact of this proposal would be more significant than the previous application and that the Commission should be consistent and refuse the application.

CK also explained that there had been a representation from Albert Buhagiar (AB), the chairman of the Tenants Committee, who had objected to the application on the basis that the proposed development would set a precedent, deviating from the symmetry of the buildings and overall aesthetics as well as questioning the accuracy of the elevations and that the proposed terrace would encroach on the privacy and security of Grafton Penthouses. CK also confirmed that, AB had referred to a press release from the Government of Gibraltar in his objections that had pledged to halt further controversial development at Queensway Quay, aiming to safeguard the area from overdevelopment.

CK confirmed that the agent Michael McKillop Smith, had submitted counter representations and that these set out that the Government of Gibraltar's press release was intended to halt larger-scale developments, rather than the small-scale extensions proposed in this application. He had stated that the plans were accurate, and that the two meter high opaque screen not only serves its purpose but also grants the objector an additional meter of terrace space. The proposal had been meticulously crafted to blend with the estate's aesthetic, aligning the gap between Grafton House and the first Moorland House block more closely with the existing gap between the two Moorland House blocks, and that the intentional omission of the stair core further enhances the visual unity with the rest of the estate.

CK presented a summary of the consultee feedback that had been received in respect of the application confirming that there were no objections from the GHT, MfH or TSD and that the DoE requires a predictive EPC and prohibits works during the breeding season without prior consent.

CK said that in respect of the TPD assessment of the application, that in determining the previous application the Commission was at the limits of what was considered acceptable in respect of the infilling of this space and its impact on the character and aesthetics of the development.

CK confirmed that whilst the TPD acknowledges that the applicant had addressed the access issue, it maintains that the roof should be used for maintenance purposes only and that the usable roof terrace would result in additional structures including a privacy screen that would erode the character of the gap in the development further and would impact on the aesthetics of the building.

CK confirmed that whilst the TPD acknowledged that the applicant had proposed an opaque privacy screen and is offering to extend the adjoining occupier's terrace, TPD still consider that the neighbor has valid concerns and that the two meter high screen would run along the full

extent of the adjoining terrace which not only significantly impact on the outlook of the property which will be restricted to the north and south, but would result in a loss of residential amenity as the installation is considered to result in an overpowering sense of enclosure and recommended that the application should be refused and suggested that the applicant submits a full application for the extension with the roof to be used for maintenance purposes only with access via an access hatch as per the Commissions previous decision.

The application was refused unanimously.

308/23 – F/18797/23G – 8 British Lines Road -- Proposed relocation of bureau de change.

CK provided an overview of this Government of Gibraltar application which is seeking to relocate the Bureau de Change from a temporary pre-fabricated cabin on Winston Churchill Avenue to a permanent facility at the junction of Kingsway and the access road to the Airport Parking loop.

CK informed the Commission that the proposed development involves the construction of a permanent single-storey building for the Bureau de Change, featuring a public-facing counter, ATM, and indicative signage areas, with a flat roof design. CK outlined that the scheme originally incorporated a layby, however, following concerns raised by the Traffic Commission and the TPD regarding potential conflicts with the cycle lane this element had been omitted. CK confirmed that sustainability features, such as a roof overhang for sun shading, hermetically sealed fenestration to reduce heat loss/gain, and cross ventilation had been integrated into the design of the facility.

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

- DCA – confirmed that they had no objections, however, if PV panels are integrated into the roof of the facility they would require a SGHR together with a BMP, to be submitted prior to works on this aspect of the scheme commencing;
- DOE - recommend that PV Panels are installed and require a predictive EPC;
- MoEq – confirm that they have no objections but recommend that a hearing loop is incorporated as well as ensuring one of the counters is suitable for a wheelchair user or a shorter person CK noted that the applicant had confirmed that they would be complying with these requirements,;
- Traffic Commission – objected to the original proposal and had requested the layby to be omitted which it subsequently had been;
- MoT and TSD – No objections

CK said that in respect of the TPD assessment of the application that the dialogue between the applicant in resolving the concerns of the Traffic Commission and the MoEq was welcomed and confirmed that the design, massing, scale, and height of the proposed building acceptable, emphasizing that the elevation treatment aligns well with the appearance and character of the airport terminal and will assimilate into its surrounding urban environment.

CK confirmed that the TPD welcome the DoE's recommendation to install PV panels and considers that this should form a condition on the Planning Permission if the Commission resolves to approve the application and that there is also an opportunity to integrate PV panels within a sedum roof .

CK recommended that the application should be approved subject to the revised scheme being ratified by the Traffic Commission and subject to conditions, including the integration of PV panels on the roof of the Bureau de Change, possibly within a sedum roof, the submission of a BMP, and a SGHR, signage details and the submission of details for the relocation of the existing post box and lamp for approval.

JH expressed her concerns regarding traffic-related issues in the area and suggested that the installation of railings to enhance pedestrian and Bureau user safety. The Chairman acknowledged this point, saying it could be discussed with the MT.

CAM suggested the addition of plants or vegetation to address glare issues from reflective surfaces.

Jonas Stahl (JS), the agent for the application, reassured CAM that the building's position was designed to minimize impact on birds and committed to exploring options for installing planters to the west of the building.

The Chairman confirmed that a condition for additional planters could be included in the Planning Permission. He asked in members were in agreement with the recommendation with the additional for the planter.

The application was approved unanimously.

309/23 – F/18808/23 – 14/15 The Island, Queensway Quay -- Proposed garden refurbishment including new private swimming pool and outdoor dining area.

CK introduced the application confirming that the site encompasses two dwellings and gardens owned by the applicant, with the planned works limited to the garden area, consisting of two existing pools and associated tiled and decking areas.

CK confirmed that the proposals involve the removal of the two existing pools and the construction of a larger pool with a Jacuzzi, accompanied by a decked terrace on the northern end of the site as well as the construction of a three meter high covered BBQ and dining area with movable timber shading on the southern extent of the site, covering a 45-sq m. and an external storage area is proposed on the terrace decking between stair access to the properties as well as the relocation of an existing tree on the site. CK confirmed that the requirement for the covered BBQ and dining area is to provide privacy from overlooking neighbors.

CK confirmed that notice of the application was served on the Management Company and that representations have been received and that these representations confirm that the proposed development contravenes the terms of the under lease, that the height and extent of the outdoor dining area negatively impact adjacent properties and the development in general, and that the proposed development could set a precedent for west facing gardens, and potentially lead to other owners wanting to extend onto their gardens.

CK confirmed that counter representations have been submitted, which note several outdoor spaces in the complex that do not comply with the requirements of the under lease, do not consider the three meter height to be an issue as the current hedgerow ranges from 2.4m to 3m in height, consider that the precedents for permanent structures already exists, referring to a covered BBQ and Dining Area to the north of House 1, a pergola/shading structure in the

garden to the west of the property, and an area of mature tree planting and vegetation in the garden of a property at the opposite end of the estate, and argue that the proposal is not an extension to the property and consider the initial design concept of the estate is flawed as different shaped pools exist.

CK presented a summary of the consultee feedback that had been received in respect of the application confirming that the DOE has no objections and recommend the use of salt water in the swimming pool and that the MfH and TSD have no objections to the proposed development.

CK said that in respect of the TPD assessment of the application, that the application is split into two sets of works. CK confirmed that in respect of the swimming pool, decking, external storage, and tree relocation the TPD considers that these are deemed to comply with the parameters of previously approved schemes and were approvable

With regard to the covered BBQ and dining area, CK considered that this would set a precedent as the Commission had not permitted any permanent structures within the west-facing garden areas. CK noted that whilst the applicant references House No 1, the BBQ and dining area in question is situated to the northern extent of the property, away from the western garden area and that the pergola/shading structure is not permanent and does not require Planning Permission. CK went on to confirm that the TPD consider that the proposed permanent structure would impact on the open aspect of the western gardens and goes against the original design character of the development and would lead to further applications which would erode this concept further. CK confirmed that there is no objection to an open dining and BBQ area or the inclusion of a small freestanding pergola or shading structure, similar to House 1.

CK recommend approval of pool, terrace decking and associated works subject to condition on the Planning Permission that the covered BBQ and dining area is not approved, however, the condition could allow for revised plans to be submitted for an uncovered BBQ and dining area with a small open pergola/shading structure (circa 10 sqm) which would need to be approved by the Subcommittee.

MEEC voiced his concerns about the potential loss of shrubbery and trees in the proposed development and emphasized the need for professional supervision when relocating any trees and insisted that if any trees are removed, they should be replaced. Furthermore, he expressed concern about the substitution of real grass with artificial grass and recommended conditioning the use of natural lawn instead.

The Chairman clarified that the recommendation for approval is contingent on the submission of revised plans regarding the BBQ structure and that he acknowledged the conditions suggested by MEEC regarding tree loss/relocation and the preference for natural grass over artificial grass.

The application was approved unanimously subject to the conditions suggested by the TPD and MEEC.

Minor and Other Works– not within scope of delegated powers

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

310/23 – F/17271/20 – 4 Georges Lane -- Proposed two storey extension as well as refurbishment of common areas of building including installation of lift in courtyard.

This application was approved.

311/23 – F/18759/23 – 10 Little Genoa, 21 Sir Herbert Miles Road -- Proposed conversion and refurbishment of dwelling including side extensions.

This application was approved.

312/23 – F/18839/23 – St. Andrew’s Manse, 29 Scud Hill -- Proposed replacement of the existing pitched roof with a new pitched roof to include loft accommodation and incorporate roof skylights and solar roof panels.

This application was approved.

313/23 – F/18859/23 – Victoria Residency, Brympton, Europa Road -- Proposed restoration and structural repairs of external balconies and introduction of new glass balustrading to balconies in the entire building.

This application was approved.

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

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

314/23 – F/17869/21 – Block 2, 22/24 Willis's Road -- Proposed re-development of building including extension and refurbishment throughout.

Consideration of color samples and finishes to discharge Condition 3 of Planning Permission No. 8307.

315/23 – F/18349/22 – 1 Highcliffe House, Europa Road -- Proposed internal alterations and installation of glass curtains to terrace.

316/23 – F/18428/22 – 806A Ocean Heights -- Proposed refurbishment of existing apartment including replacement windows.

317/23 – F/18429/22 – 806 Ocean Heights, Queensway -- Proposed internal alterations and change of windows.

318/23 – F/18430/22 – 3 Shaker’s Passage -- Proposed minor alterations and refurbishment of apartment.

319/23 – F/18484/22 – 207-209 Main Street -- Proposed minor works for internal refurbishment and terrace enclosure.

Consideration of grille to screen air conditioning units located on facade of building to discharge Condition 4 of Planning Permission No. 8520.

320/23 – F/18491/22 – 12 – 18 Cemetery Road -- Proposed encapsulation of warehouse roofs (roof repairs).

321/23 – F/18643/23 – Midtown Coach and Car Park -- Proposed installation of mobile radio equipment deployment.

322/23 – F/18662/23 – 108 Main Street -- Proposed new shopfront, signage and internal alterations.

323/23 – F/18676/23 – 4, 36 Old Brympton Close, South Barrack Road -- Retrospective application for terrace conversions on patio and roof terrace levels.

324/23 – F/18720/23 – 26 Admiral's Place, Naval Hospital Road -- Proposed loft conversion and other house alterations.

325/23 – F/18731/23 – 17 Fremantle Court, Harbour Views Road -- Retrospective application for internal alterations and the replacement of windows.

326/23 – F/18743/23 – 5 Old Brympton Close -- Proposed extension of first floor dining room.

327/23 – F/18750/23 – Cepsa Petrol Filling Station, 20 Winston Churchill Avenue -- Proposed relocation of existing signage totem.

328/23 – F/18774/23G – South District Senior Citizens Social Club, 7 Naval Hospital Road -- Proposed installation of access ramp and rearrangement of parking.

GoG Application

329/23 – F/18780/23 – 305 Basha Lodge, Mons Calpe Mews -- Retrospective application for the installation of glass curtains.

330/23 – F/18806/23 – 190-192 Main Street -- Proposed refurbishment of shop.

331/23 – F/18827/23 – 8-10 St Joseph Road -- Proposed dismantling of garage and building of perimeter wall.

332/23 – F/18829/23 – 56 Governor's Street -- Proposed installation of a lift in the internal light well of the building.

333/23 – F/18832/23 – 224 Peninsular Heights -- Proposed installation of glass curtains.

334/23 – F/18834/23 – 1 Rosia Court, 21-23 Rosia Road -- Proposal internal alterations and installation of roofing sheets.

335/23 – F/18836/23 – Unit 17A Ragged Staff Wharf, Queensway Quay -- Proposed replacement of glass curtains on a like-for-like basis.

336/23 – F/18838/23 – Second Floor, 12 North Mole Road -- Proposed installation of VHF antenna.

337/23 – F/18840/23 – Flat 2 Poppy House, Waterport Terraces -- Proposed installation of an awning.

338/23 – F/18842/23 – 9 Tuckey's Lane -- Proposed installation of exterior awning.

- 339/23 – F/18848/23 – 9 Calpe Barracks -- Proposed loft conversion to residence and ancillary works including the installation of sky lights and photovoltaic panels.
- 340/23 – F/18852/23 – Unit A, 19 North Commercial Estate, Neil Pinero Road -- Proposed minor internal and external alterations to existing structure.
- 341/23 – F/18856/23 – 51 Main Street Stores -- Proposed conversion of four stores in an office.
- 342/23 – F/18862/23 – 38 Cormorant Wharf, Queensway -- Retrospective application for changing two x terrace doors to two x fixed windows.
- 343/23 – F/18874/23 – House 4, The Island Queensway -- Proposed internal alterations, minor external adjustment to windows (kitchen and living room), installation of new glazed screen to rear terrace and realignment of rear bedroom window at first floor.
- 344/23 – F/18875/23 – Curry and Sushi, Block 1, Watergardens -- Proposed change of use from public highway to tables and chairs area.
- 345/23 – F/18877/23 – Unit 53, Harbours Deck, New Harbours -- Proposed refurbishment and refit of unit and installation of air conditioning units.
- 346/23 – F/18879/23 – Flat 1001, Forbes 1848, 44-46 Devil's Tower Road -- Proposed installation of glass curtains.
- 347/23 – F/18880/23 – 7 Cormorant Wharf Queensway -- Proposed installation of glass curtains.
- 348/23 – D/18789/23 – The Showroom, 1A The Square, Marina Bay -- Proposed demolition of a single storey former car showroom.
- 349/23 – D/18853/23G – 9 Catalan Bay -- Proposed demolition of industrial unit.
- 350/23 – A/18102/22 – Music Corner Ltd, 114 Main Street -- Retrospective installation of shop signage.
- 351/23 – A/18600/23 – 13 Engineers Lane -- Retrospective installation of projecting sign.
- 352/23 – A/18726/23 – Cooperage Lane between Cafe Roxy/ICC Irish Town -- Proposed installation of banner to advertise Pancreatic Cancer Awareness Gibraltar.
- 353/23 – A/18776/23 – Get Joost, Kiosk 4 Casemates Square -- Proposed sandwich board.
- 354/23 – A/18828/23 – Turicum, 315 Main Street -- Proposed installation of fascia and projecting sign.
- 355/23 – A/18841/23 – 241 Main Street -- Proposed installation of shop sign.
- 356/23 – A/18866/23 – 65 Governors Street -- Proposed installation of shop sign.
- 357/23 – A/18914/23 – Casemates Balcony -- Proposed installation of banner to advertise World Pancreatic Cancer Day.
- 358/23 – MA/17355/21 – House 1, 8 Naval Hospital Hill -- Proposed refurbishment of house.

Consideration of Minor Amendments including:

- **Proposed landscaping works in rear garden to create patio and decking areas.**

JH requested further details on this application.

The Chairman explained that they can be viewed online and that the minor amendments were for garden works only which were in line with the recently approved outline application which provided a Masterplan for works in the garden area of the complex.

359/23 – MA/18553/22 – British Lines Road -- Proposed construction of a new Cepsa petrol filling station.

Consideration of Minor Amendments including:

- **new perimeter wall design;**
- **new cladding;**
- **additional external door to rear façade;**
- **new glazed recessed main entrance;**
- **new height limitation barrier to eastern side parking bays;**
- **increased vehicular entrance width between pavements; and**
- **re-location of totem.**

360/23 – MA/18716/23 – 14 Mount Road -- Proposed demolition of existing dwelling and construction of new single dwelling.

Consideration of Minor Amendments including:

- **garage slab extension;**
- **ground floor plant room alterations;**
- **first floor balcony extension;**
- **roof level planters; and**
- **roof level toilet, plant room and kitchen area.**

361/23 – MA/18769/23 – North Gorge, Europa Road -- Proposed construction of an eco-sustainable residential development comprising x 48 no. residential units, access roads, storerooms, extensive landscaping and other associated site works.

Minor amendments including:

- **Small internal reconfiguration of houses 1-2, 8, 21, 22, 43 and 44;**
- **Updated layouts for house number 15, with basement added;**
- **Communal stores layout reconfigured as a result of this;**
- **Communal gym/pool building layout updated;**
- **External access stairs adjacent to dragon tree removed, with maintenance stair added below; and**
- **Vertical slats to south elevation of oak houses removed.**

Consideration of permeable pavement details to discharge Condition No. 13 of Supplemental Planning Permission No. 8128C.

362/23 – MA/18775/23 – 3 Irish Place -- Proposed works to building including extension/enclosure of existing third floor terrace, change of use of office unit (Class A2) to residential (Class C3), creation of new toilet on lower ground floor, relocation of utility services to front of entrance of building and subdivision of existing first floor office into three office units.

Consideration of Minor Amendments including:

- *proposed extension/enclosure of existing 3rd floor terrace;*
- *change of use of office unit to residential; and*
- *Subdivision of existing first floor office in to three individual office units.*

363/23 – MA/18804/23 – 83 Irish Town -- Proposed internal reconfiguration of ground and first floor levels including the replacement of windows and shutters. Additional internal modification of upper floor levels as well as the construction of a new centralized plant and equipment room at roof level and rooftop pergola.

Consideration of Minor Amendments including:

- *Installation of in situ concrete staircase from first to second floor level; and*
- *Proposed internal reconfiguration of second floor level.*

364/23 – 1555/P/049/23 – 12 George’s Lane -- Proposed refurbishment and re-rendering of north elevation to property and surrounds.

365/23 – 1555/P/051/23 – 5 College Lane -- Proposed refurbishment, re-rendering and repainting of façade to property and surrounds.

366/23 – Any other business

JH requested a status update in regard of the demolition works at Bayside in respect of tree relocation and the excavation borehole tests that have been undertaken.

MEEC confirmed that all but two of the 27 trees on site will be relocated and that the two that will not be are not in a good state. MECC confirmed that the Department of the Environment is in close liaison with the applicant on the matter.

CK advised that pre-application meetings have been held with the applicant and that in those meetings they have confirmed that they will be proceeding with the basement parking in the full application following the initial excavation/borehole tests and the public piazza is expected to come forward within the full planning application.

The meeting concluded and the next meeting was confirmed for 14th December 2023.

Chris Key

Secretary to the

Development and Planning Commission