

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 1st meeting of 2024 held remotely via video conferencing on 10th January 2024 at 9.30am.

Present:

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

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

The Hon P Orfila (MH)
(Minister for Housing)

Mr E Hermida (EH)
(Chief Executive)

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

Mrs J Howitt (JH)
(Environmental Safety Group)

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

Mr S Benson (SB)
(Rep Commander British Forces, Gibraltar)*

In attendance:

Mr C Key (CK)
(Deputy Town Planner)

Mr P Cosquiere (PC)
(Town Planning Assistant)

Mr J Neale
(Minute Secretary)

Apologies:

The Hon Dr J Garcia
(Deputy Chief Minister)

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

*Acted as alternate whilst Mr. C Freeland had to leave the meeting during the consideration of Items 3, 4 and 5 of the agenda.

Approval of Minutes

1/24 – Approval of Minutes of the 11th meeting of 2023 held on 23rd November 2023

The draft minutes of the 11th meeting of 2023 held on 23rd November 2023 were approved.

Matters Arising

None

Major Developments

2/24 – F/18822/23 – 3 Secretary's Lane and 12 Governor's Lane -- Proposed development of a boutique hotel and a restaurant.

CK introduced the application, confirming that the site comprise two properties located adjacent to each other in 3 Secretary's Lane and 12 Governor's Lane which have undergone several modifications and extensions, and have fallen into a poor state over recent years and that both properties have similar aesthetics in terms of their external appearance.

CK confirmed that 3 Secretary's Lane is a two-story property, featuring a pitched roof, which contains a loft structure and has structures of up to four stories located behind it whilst 12 Governors Lane is also a two-storey property with a pitched roof and has a single-story garage located next to it.

CK confirmed that the site is bounded by Governors Lane to the south and Secretary's Lane to the West, is located less than 100 meters from Main Street, and is in close proximity to the public transport network. CK confirmed that site is located in a heritage sensitive area, with the listed Duke of Kent House located to the West.

CK confirmed that there was a previous application for the demolition of the house and garden and the construction of an eight story office building on the site, which was refused by the Commission in 2012, on the basis that the existing building was to be demolished and that the proposed development would destroy the character of the area as well as other building in the area with heritage value. CK also confirmed that the Commission had more recently approved an application at 14 Governor's Street, for a part three story building on Secretary's Lane and a part four storey building on Governors Street, which included Juliet balconies on the Governors Street elevation.

CK set out that the proposed development includes the renovation, extension, and partial demolition of the property, and its conversion from a residential dwelling to a boutique hotel comprising 30 guest rooms over four levels. With regard to the external appearance of the development, CK confirmed that the applicant had sought to provide a harmonious design across the elevation treatment of the hotel, with a more traditional approach on west elevation, and a more modern approach on the southern elevation and that the applicant had sought to provide a clear distinction between old and new elements whilst seeking to retain and reimagine the courtyards and open spaces within the development.

CK also confirmed that the development includes a restaurant as part of the hotel and a conference area at ground floor level and that a roof terrace is being provided with a pool, bar and gym. CK confirmed that the applicant is also seeking to provide a link between the proposed Art Gallery at Fortress House and the rear of the property that will form a sculpture garden.

CK confirmed that the applicant has not provided motorcycle or car parking spaces to serve the development and that the Commission would need to waive car-parking regulations if they were minded to approve the application.

CK confirmed that the applicant is proposing to use the existing loading and unloading bay near the Holy Trinity Cathedral for the delivery and unloading of goods to the restaurant.

CK confirmed that whilst the proposed development is a part renovation and part new build project and NZEB standards do not apply, however, the applicant is committed to working towards meeting NZEB standards and is predicted to achieve an A20 rating on predictive EPC, through the use of shower waste water heat recovery, the installation of hybrid photovoltaic and solar thermal panels, gray water recycling, and the use of green sedum roofs and green walls.

CK confirmed that the application had been subject to public participation and one set of representations had been made, however, these were invalid and cannot be taken into consideration, as they had not met the requirements of the Town Planning Act.

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

- Department of Environment (DOE) – welcome the proposed sustainability measures, require a maintenance scheme for the upkeep of green area and Bat and Bird Surveys to be submitted and final refuse requirements to be agreed with the Cleansing Superintendent (CSI);
- Gibraltar Fire Rescue Service (GFRS) – confirm that they require the submission of a Fire Strategy Report;
- Gibraltar Heritage Trust (GHT) – confirm that they had held meetings with the applicant regarding streetscape character and internal features and fittings. Consider that the Governor’s Street façade design had been improved from the initial design with the inclusion of traditional features such as shutters and railings on terraces and that whilst the introduction of Juliet balconies on the façade is not one the Trust normally supports, they confirm that it adds interest in this instance. Also note that the applicant is proposing the relocation of doors on the ground floor to provide a central entrance to the restaurant which is not normally supported as it erodes the authenticity of facades over time, however, there is a strong case for its relocation in this instance and the Trust is minded to accept it, however they consider that the change in the form of the windows on the upper floors in addition to the changes on the ground floor constitute cumulative changes that the Trust is not willing to support and note that the applicant is willing to revert windows as a condition should full planning permission be granted and advise that this recommendation is given;
- Ministry for Heritage (MfH) – confirm that they have no objections to the overall project and consider that it will become a positive focal point in the heart of the Old Town, however, stress that there are several heritage sensitive features which should be retained and/or reused within the sites and require an Archaeological Watching Brief (AWB) to be undertaken;

- Ministry of Equality (MoEq) - require the inclusion of a ground floor accessible toilet;
- Ministry of Transport (MoT) - initially objected to the proposed arrangements for delivery/ servicing of the hotel and the drop off and pick up of guests, however, following meetings and submission of revised plans have withdrawn their objection;
- Traffic Commission (TC) – confirm that they approve the revised servicing and drop off arrangements; and
- TSD - set out a number of technical requirements that will form part of the informative should permission be granted by the Commission.

CK said that in respect of the Town Planning Department's (TPD) assessment of the application there are no in principle objections for a hotel on the site. CK confirmed that the existing building is in a dilapidated state and would benefit from regeneration and that in conjunction with the proposed art gallery this development would diversify Gibraltar's offer for tourists and attract footfall into this part of the Old Town in an area, which already has a number of established civic uses. CK noted that whilst the proposals increase the height and massing of the existing building, it is considered to be in line with the character of the area and surrounding buildings and developments that have been approved by the Commission.

CK noted that the proposed development has two separate public facing facades and whilst there are no concerns with the Governor's Lane façade which following the addition of shutters is considered to assimilate well with the existing and approved built environment, however, there are concerns with the Secretary's Lane façade. The TPD agrees with the concerns raised by the Trust in respect of the full height window openings and Juliet balconies on this façade and consider that they lead to a cluttered façade and that these should be omitted and replaced with windows and shutters to match the others proposed on this façade.

CK also confirmed that the TPD considers that the third floor will appear more dominant on this façade than has been represented on the architectural elevations and visuals and that this could be resolved through omitting Room 20 and store/plant room at third floor level and relocate pool from roof terrace to this level with the pool plant room being relocated to Room 21. CK set out that this would allow for a reduced amount of rhomboid screening at this level which the TPD presently considers to be overbearing on the Secretary's Lane streetscene. CK informed the Commission that with these changes, the TPD considers that the design of this façade of the building would have a minimal visual impact on the street scene or the setting of the listed Duke of Kent House.

CK noted that the existing buildings contain a number of heritage features, and that the retention of these features has been an issue raised by both the MoH and the GHT and has been discussed extensively prior to this application being tabled before the Commission for consideration. CK noted that the applicant in response had prepared a Supplementary Heritage Study detailing how heritage features will be retained and the TPD considers that it should be conditioned that the applicant ensures that heritage features are retained as per the suggestions that have been made in this report.

CK confirmed that there had been no objection from TPD in respect of providing no car parking or motorcycle parking on the site. CK set out that the proposed development is located in a sustainable location with suitable public transport links and TPD considers that the proposed redevelopment and refurbishment of this constrained site outweighs the requirement to provide parking as per the regulations. CK confirmed that the applicant has agreed to a delivery and servicing strategy including provision for the drop off and pick up of guests in conjunction with the MOT and the Highways Section of TSD.

CK stated that the TPD noted the proposal is located in an area which is generally residential in nature and character to the rear of the site and that the TPD has concerns about the future use of the sculpture garden such as loud events and functions that may run late into the evening. CK confirmed that the TPD considers that in order to minimise any harm to the amenity of neighbouring occupants, particularly in terms of noise pollution, the application should be conditioned accordingly to restrict the use of the sculpture garden only and link between the gallery and the hotel.

In conclusion, CK recommended to the Commission that the application should be approved, subject to the Commission waiving car parking regulations and requiring the applicant to modify the scheme in line with TPD recommendations in accordance with powers under Section 28 of the TPA.

CK set out that applicant would need to submit revised plans including the omission of Room 20 and moving store/pool plant to Room 21 to allow pool to be moved to floor below, and this part of the west elevation to be set back and enable the reduction in the amount and scale of the rhomboid screening, whilst retaining stair core and providing a set-back roof terrace in order to reduce the dominant appearance of the west façade as currently proposed as well as omitting the Juliet balconies and large windows on Secretary's Lane façade and replacing these with windows and shutters in line with rest of the proposed façade, providing an accessible toilet at ground floor level and resolving the refuse requirements.

CK confirmed that upon submission of the revised plans, these would be ratified at a Subcommittee meeting and subject to approval a Planning Permission would be issued which would include conditions to address consultee feedback and matters set out in the TPDs assessment of the application.

The Chairman advised that the applicant and agents were available to answer questions and handed over to Members for questions and comments.

MEEC enquired if the existing trees were being retained and CK confirmed that they were being retained.

MEEC confirmed that he understood that the traffic concerns had largely been resolved and advised that not having car parking spaces was not an issue and would aid in avoiding traffic congestion in the area. MEEC suggested that a different type of green roof would be more effective than the one contained in the proposals; confirmed that there are nesting swifts on the site and that temporary nesting sites for swifts would need to be provided during the construction process; and that the development provides an opportunity for the provision of some historical interpretation in the lobby of the hotel.

CV advised that he had no objections to the scheme and in fact felt that it was a fantastic scheme, which was trying to make an architectural statement that he considered that the impact of proposed development on Secretary's Lane would be minimal and felt that the applicants design proposal should not be discarded.

MEEC advised that he is in favor of the inclusion of condition on the restriction of use for the proposed garden, for the benefit of the surrounding residents.

The Chairman motioned for a vote on the application.

CAM requested clarification on whether we will be voting for the general scheme and then separate vote on the recommendations made by the TPD.

MEEC stated that although there seemed to be a general acceptance of the scheme, there should be two separate votes, one for the removal of the Juliet balconies and the replacement with windows and shutters and another for the proposed third floor set back extension and reduction in screening and that this would simplify the voting process.

The Chairman agreed with MEEC and motioned for a vote on the recommendation for the removal of the Juliet balconies and large windows on Secretary's Lane façade and replacing these with windows and shutters in line with rest of the proposed façade:

For – 5

Against – 6

TPD recommendation to change design not approved.

The Chairman motioned for a vote on the recommendation for the setback third floor extension and associated reduction in the proposed screening:

For – 3

Against – 7

Abstentions – 1

TPD recommendation to change design not approved.

The Chairman confirmed that the application is approved as submitted and subject to the submission of revised plans to address other minor issues prior to the issuing of a Planning Permission which would be subject to conditions set out in the Town Planning Report.

3/24 – F/18825/23 – Fortress House, 7/9 Cathedral Square -- Proposed development of an art gallery, children's art centre and café.

CK confirmed that this is a full application at Fortress House and follows on from Outline application which approved by the Commission in May 2023.

CK confirmed that proposals are for the refurbishment and extension to Fortress House and its conversion from a single residential dwelling into a Cultural and Social Hub in the Old Town which will provide an art gallery over three floors including a Children's Art Centre and cafes at ground floor level, as well as a roof top sculpture garden.

CK confirmed that the proposal generally follows on from the design recommendations and conditions set out in Outline Planning Permission. CK set out that design changes to the scheme included the:

- removal of narrow balcony on North Elevation of Fortress House and the replacement of doors with traditional windows and shutters and the incorporation of a floor band to distinguish between the original building and the extension;
- screening of the windows on South elevation of the gallery by a skin in order to prevent any privacy issues with adjoining residential properties to the rear of the development;
- inclusion of a lift within the scheme;
- redesign of the West façade incorporating a modern ceramic cladding with a toned-down colour and a feathering out from solid to open tiles and additional planting in order to

address the Commission's previous concerns regarding the transition between the old and new parts of the façade and the design of skin element;

- removal of glass balustrading on western facing veranda and replacement with railings and timber and copper materials;
- omission of balustrading from east side of roof level and façade designed to gradually transition from top to bottom;
- omission of the ramp on the roof connecting eastern part of the site with central roof level and confirmation that this part of the roof is to be used for maintenance purposes only as requested by the Commission;
- omission of the restaurant which will now be provided in the adjacent hotel development;
- relocation of two fireplaces to the café are with the remaining fireplaces to be relocated to the adjacent hotel development;
- re-introduction of the existing light well into the Fortress House element of the scheme;
- confirmation that pedestrian access and access to servicing and deliveries for the adjacent hotel development to be provided through the Gallery during opening hours;
- confirmation that will be a dedicated area for the interpretation of Fortress House in café area; and
- the integration of more greenery into the proposals.

CK confirmed that the proposed development is a part renovation and part new build project and whilst NZEB standards do not apply, the applicant is committed to working towards NZEB. CK outlined that the proposal is predicted to achieve an A24 rating on the predictive EPC and that this is achieved through using heat pumps, the installation of solar hot water system, gray water recycling as well as green and sedum roofs.

CK confirmed that detailed landscaping proposals had been submitted which include raised planters, movable planters and a sculpture garden incorporating low level LED and solar lighting. CK confirmed that deliveries to the café would be made via the main entrance and large sculptures would be delivered on Secretary's Lane during the night and would be agreed with MoT and Highway's Section of TSD.

CK confirmed that the application had not been subject to full Public Participation as it follows on from an Outline Planning Application.

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

- DOE – Confirm that they welcome the proposed sustainability measures in renewables assessment and are satisfied with the predictive EPC and NZEB rating and confirm that the applicant will need to apply for License under the Nature Protection Act on basis that the building holds nesting swifts as well as other birds and final refuse requirements to be agreed with the CSI.
- GFRS – Request that a fire strategy report be submitted.
- MfH – Confirm that they support the proposal and consider it will bring contemporary elements to a neglected historical environment, however, recommend for certain heritage features including cast iron chimneys and columns, as well as encaustic cement floors to be preserved and reintegrated into the proposal, recommend that an AWB is undertaken including an archaeological survey of outer courtyard and garden area prior to construction to obtain further info regarding archaeological potential and stratigraphy and recommend that a space within the site is dedicated to promoting the history of Fortress House;

- MoEq – Confirm that they have no objections as long as access standards are met;
- MoT – Confirm that they require a Visitor Management Plan to be submitted prior to occupation to mitigate and identify how car parking for visitors is to be managed and confirm that they have no objections to the delivery and servicing proposals subject to condition that loading/unloading of large Sculptures on Secretary's Lane is to be done during silent hours only and will require necessary approvals from Highways Section of TSD;
- TC - Approve the revised servicing and drop off arrangements; and
- TSD - Set out a number of technical requirements which will form part of the informative should permission be granted by the Commission.

CK confirmed that no comments had been received from the GHT.

CK said that in respect of the assessment of the application, the TDP welcomes the proposal. CK set out that Fortress House is currently in a very poor condition, the building and site require regeneration and there are no objections to the reuse of Fortress House as a Cultural and Social Hub including an art gallery, children's art centre and associated uses including a café. CK confirmed that the TPD consider that the proposed will diversify Gibraltar's cultural offer for residents and tourists and attract people into the Old Town and the TPD welcome the detailed design changes that have been made by the applicant as well as the detailed technical information that has been submitted in support of the application.

CK went on to state that the TPD consider that the design amendments to the balustrading, as well as the removal of the balcony and revision to the transition between old and new on the west and northern facades better integrate the old and new parts of the proposals in a sensitive manner which retains the buildings unique heritage value.

CK confirmed that the TPD welcomes the omission of the ramp at roof level and introduction of lift and screening of windows that addresses previous amenity concerns of adjoining residents.

CK noted that the only concerns raised by GFRS regarding Fire Strategy Plans and MfH regarding final agreement on items to be retained within the development remain and that these matters can be dealt with via planning conditions and to be undertaken prior to the commencement of the development.

CK recommended that in respect of the MfH concerns that this could be dealt with a site meeting with the MfH, the GHT the TPD and the applicant with a walkover of the site where items to be retained and/or reintegrated within the development can be agreed and with the final agreed itinerary to be submitted to the TPD prior to the commencement of the development.

CK recommended to the Commission that the application should be approved subject to the final refuse requirements for development being agreed prior to issue of the Planning Permission which would include conditions to address consultee feedback, and matters set out in the TPDs assessment of the application.

MEEC confirmed that there are nesting swifts on the site and that temporary nesting sites for swifts would need to be provided during the construction process.

The application was approved unanimously in line with the recommendations of the TPD.

Other Developments

4/24 – 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.

CK confirmed that this is a full application, and the site comprises a three-storey building, divided into four x terraced dwellings and is bound by Buena Vista Road to the East and Naval Hospital Hill to the West and South.

CK set out that the building is a one-storey property facing Buena Vista Road, with individual entrances to the property located from street level with step access leading down to the lower level and that Buena Vista Road is characterized by colonial and former MOD residential buildings as well as some newer buildings.

CK explained that the proposed development comprising internal and external alterations to the existing dwelling including:

- a loft conversion with the installation of a dormer window on the east elevation, the installation of a skylight on the west elevation and the associated raising of the height of the roof in order to provide habitable accommodation in line with Building Control Regulations;
- the installation of a plunge pool in the garden of the property;
- the provision of an additional terrace at first floor level; and
- the provision of a 'Chill out' room in the existing basement space / void with access to the basement space to be created by making an opening in the masonry at garden level.

CK informed that Planning Permission for a first floor terrace on 12/2 Blossom House was approved by the Commission in February 2022 and works had yet to commence and that the Planning Permission expires in September 2025.

CK also advised the Commission that a number of alterations and extensions had been made to the adjacent 12/1 Buena Vista Road including a perpendicular forward extension, with a cathedral-type staircase window feature, which merges into roof profile, and that this was a different situation to what is being proposed by the applicant in this application.

The Chairman invited the agent, Joanna Jadczyk (JJ), to address the Commission.

JJ provided a brief introduction of the development and its various proposals and presented the alterations that have been made following submission of the initial proposal. JJ set out that existing vegetation located in and around the site significantly reduces the visual impact of any changes made to the exterior of the façade, as they are not visible from street level.

JJ also informed the Commission that she considers that the proposal complies with relevant planning policies and feels that the proposal was an appropriate form of development for the area. JJ highlighted changes over time to the footprint of the building as well as the exterior façade, and that the exterior of the building has been changed on both sides, with the use of different architectural styles causing significant aesthetical impacts to the building's external appearance, including the roofscape/ ridgeline and as such the proposed development would, therefore, in her opinion not have a significant negative impact as originally implied, due to the lack of original fabric, and deviation from the building's original appearance.

MEEC asked JJ if there was a significant loss of greenery due to the proposed plunge pool.

JJ confirmed that there wouldn't be a loss of greenery, and if anything, it would be quite the opposite as there is currently only greenery around the boundary wall, and there are plans for additional planting within the garden area, as well as other beautification works.

MEEC asked for artificial grass not to be used, especially if it includes existing greenery. JJ agreed, advising that natural grass would be used and there would be very little decking.

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

- DOE – No objections to the proposed development subject to standard environment conditions;
- GHT – Not supportive of introduction of a skylight on the western elevation as it will puncture the roof envelope on this elevation, and consider that dormer style protrusion from the roof on the eastern elevation is out of character with the rest of the building;
- TSD - Architectural objections to proposed dormer window on the basis that these proposals are out of character with the aesthetics of the other half of the building; and
- LPS and MfH – No objections.

CK provided the TPD assessment of the application confirming that the proposal consists of four main components: the loft conversion; the new upper terrace; the new basement space; and a new plunge pool. CK confirmed that there are no concerns in respect of the first-floor terrace which has been designed to mirror the approved design of the adjacent dwelling in the building, the plunge pool or the chill out room.

In respect of the proposed loft conversion, CK confirmed that this element of the proposals involves an increase in roof height, a new skylight on the west facing slope and an east facing dormer window.

CK advised that this is substantial change to the built form of the building and should be assessed in the context of the entirety of 12 Buena Vista Road setting out that the TPD consider that 12/3 Buena Vista Road acts as mid-terrace property in this context, and the roof should, therefore, effectively relate to the neighbouring dwellings.

CK informed the Commission that the TPD considers that the increase in roof height disrupts the uniformity of the roofscape in the context of 12 Buena Vista Road. Whilst it is acknowledged that the increase in height is necessary to accommodate habitable space within the roof space under Building Control Regulations, the negative impact that an increase of height would cause on character and appearance of both 12 Buena Vista Road and the area is considered to be unacceptable.

CK noted that whilst the roof of this particular dwelling is not unique in terms of heritage value, does not block any key views and is only visible in the public realm from the east, nevertheless, allowing substantial alterations to the roof of this property sets a precedent for other properties in Gibraltar to carry out similar works.

CK informed the Commission that the TPD considers that the proposed fenestration works within the roof only serve a purpose if the habitable space within the roof is approved and that overall, the TPD has concerns with this application as submitted. CK advised the Commission that the TPD consider that the loft conversion does not effectively relate to the adjacent buildings and area, and would, therefore, unacceptably disrupt the uniformity of the roofscape

and harm the character and visual amenity of the existing building and wider area. CK set out that in view of this, the TPD consider that the detrimental effect caused to the character of both the building and wider area is contrary to polices GDS2 and H7 of the Gibraltar Development Plan 2009.

CK recommended to the Commission that the application is approved without the loft conversion and related fenestration and that a Planning Permission is issued with a condition confirming that the loft conversion and related fenestration is not approved as well as other standard conditions.

The Chairman reconfirmed to Members that the recommendation is to approve the application with the exception of the loft conversion and the associated increase in roof height, as well as the dormer on the east elevation and the skylight on the west, which are related to the loft conversion.

CAM confirmed that she agreed with the Town Planning Report

The application was approved unanimously in line with the recommendations of the TPD.

5/24 – F/18350/22 – Acelia Cottage, 59 Europa Road -- Proposed refurbishment and extension to dwelling.

CK handed over to PC to present this application.

PC introduced the application confirming that this is a detached two storey residential dwelling consisting of five bedrooms with a first floor roof terrace and carport on Europa Road. PC confirmed that the building was originally used as the Europa Pass Guard House and dated back to the early 1800s. PC also noted that to the rear of site are defence walls and the Europa Pass Battery which are listed and that previous works have occurred over the years seeing extensions on the rear and first floor of the building.

PC confirmed that the scope of the proposed works included:

- an extension over existing first floor roof terrace with partial retention of terrace on façade creating a setback;
- construction of a second-floor extension set back from first floor with terrace;
- installation of a pergola on the second terrace set back from a parapet glass balustrade;
- roof level access to be provided via spiral staircase from second floor terrace;
- sedum green roof with solar panels and glass balustrade allowing recreational use;
- installation of an external lift at the northern end of the building providing access to the upper floors; and
- existing trees on site to be retained although not shown on visuals.

PC confirmed that the application was subject to Public Participation and no representations have been received.

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

- DOE – welcome the proposed photovoltaic panels & green roof and require a predictive EPC.

- TSD – confirm requirement for a Geotechnical Survey to be submitted for clearance prior to works commencing in order to ensure stability and safety;
- TC and MoT – no objections to proposed parking arrangements;
- MfH – confirm that they have no objections to the proposal following the submission of revised plans, however, request for existing chimney's to be retained and the spiral staircase be made less conspicuous;
- GHT – raise concern with regard to the extent of the extension due to the character of the Guard House being lost. Suggest that the original cornice features are retained, the setbacks of extension to be respected; the omission of the spiral staircase and pergola and omission glass balustrading at roof level Confirm that the extension is extensive and if approved would set the limitations of development for the site. Request interpretation panels of history of the building, and context to be installed by the applicant.
- LPS – no objections.

PC provided the TPD assessment of the application confirming that the revised scheme that had been presented is an overall improvement to the original submission. PC confirmed that whilst there are no in-principle objections to an extended property, the TPD agrees with the GHT that this extension would set the limits for the site and in order to ensure that the scheme reduces the impact on the defense walls and the Europa Pass Battery to the rear whilst retaining the character of the cottage, the TPD consider the following amendments are required:

- removal of external lift core, which should be integrated within the building;
- omission of the spiral staircase, pergola and glass balustrade and that the roof access should be for maintenance purposes only;
- first floor balustrading to retain original bands with solid parapet; and
- Juliet balcony on North elevation to incorporate glazing bars to match windows below.

PC recommended to the Commission that the application should be approved subject to requiring the applicant to modify the scheme in line with TPD recommendations in accordance with powers under Section 28 of the TPA and submit plans that comply with this decision. PC confirmed that if plans are submitted that are in line with the TPDs recommendation that these are tabled at a subsequent Sub-committee meeting for approval and that a Planning Permission would then be issued which would be subject to conditions to deal with matters requested by consultees and a condition requiring existing trees on site to be retained.

MEEC asked if the retention of the chimney stacks formed part of the recommendation as they are an interesting feature. PC confirmed that the recommendation would be for the northern and southernmost chimney stacks to be retained.

CAM confirmed that initially there had been no consultation with any Heritage bodies in respect of the project. CAM advised that there were a number of elements which the Trust were not happy about, and for which feedback was provided, which included proactive forms of improving the scheme. CAM confirmed that the Trust considers that the building is verging on the edge of over development, and its impact can be addressed via various alterations to the proposed scheme. As a result, CAM confirmed that she would like the Commissions overall view on the previously mentioned as this was a concern in previous applications on the site and is now subject to another extension.

PNR invited the agent Stephen Martinez (SM) to respond to the points raised by CAM.

SM advised that they were in favor of taking recommendations on board, which do not affect the footprint of the building as this has already been set back, to allow for the original building

to be as visible as possible. SM confirmed that there were problems with the integration of one of the chimneys as there has already been a setback by a meter in order to reduce visual impact. SM confirmed that the idea of the glass balustrade was also to reduce the visual impact of the development and that they were open to further discussion and reconfirmed that there was no issue in respect of the retention of the northern and southern chimneys.

The Chairman provided a recap of the recommendations of the TPD including the complete removal of the external lift, the removal of the pergola on the second floor as well as the spiral staircase, and that the roof terrace should only be accessible for maintenance purposes and, therefore, there is no requirement for the inclusion of balustrading to be included in the scheme as well as the retention of the parapet wall which features cornice detailing, as well the retention of the northern and southern chimneys.

JH stated that she was pleased to see concerns with the design and is in agreement with recommendations of the TPD. JH advised on the need for a vegetation survey both in front and behind the existing building, as well as a plan for preservation, and was concerned in respect of the maintenance and upkeep of the existing tree located directly at the front of the property.

MEEC confirmed he was in agreement with JH's comments and suggested that the application on this occasion be deferred rather than giving the Subcommittee the responsibility of dealing with so many changes and would be better suited be brought back to the commission.

The Commission unanimously agreed with the TPD recommendations but deferred the application in order for revised plans and a tree survey to be submitted and the application to be re-tabled before the Commission at another meeting for a final decision.

6/24 – F/18536/22 – Moorish Castle Estate -- Proposed installation of photovoltaic panels.

CK presented the application, confirming that the applicant is proposing the installation of a total of 1,220 x PV panels on roofs of eight buildings across Glacis Estate (5 – 6 storeys in height), with the combined nominal power output being 409 kW. CK informed the Commission that the PV panels will be adapted to the orientation and slope of roofs of the individual host buildings, mainly southeast and northeast facing the listed Tower of Homage and that the PV panels will be mounted on GULPIYURI structure system and to be coated with anti-reflective film. CK noted that the works are reversible with no perforations or any invasive treatment to the roofs are required.

CK informed that Commission that the TPD had undertaken a Visual Impact Assessment (VIA) and consulted directly with GHT and MfH in developing this and confirmed that the panels won't be seen from street level, and limited views from the lower parts of the Old Town including Casemates Square and Main Street.

CK confirmed that the PV panels will be well defined and distinct across the main vistas as perceived by receptors from the Tower of Homage (bridge/courtyard and the top), the Princess Caroline's Battery at the Military Heritage Centre and along stretches of Willis's Road.

CK confirmed that a Solar Glare Hazard Study and Bird Management Plan had been submitted in support of application and this had identified that there is no impact on the runway.

CK presented a summary of the consultee feedback in respect of the application:

- DCA – confirm that they have no objections following the submission of revised Solar Glare Hazard Report as no impact on runway and note that any flight safety issues arising from PV panels in first two years after completion of the project will need to be rectified by the agent and this will need to be conditioned on Planning Permission should Commission resolve to approve application;
- DOE – welcome installation of PV panels on this site, note that this is considered to be optimum location for the proposed development and consider that the panels should be non-reflective;
- GHT – confirm that the Trust has no in principle objections, provided that the VIA does not highlight any substantive negative effects on the Moorish Castle and Tower of Homage receptors;
- MfH – confirm that the requested a VIA which has been undertaken by TPD;
- TSD and LPS – No objections.

CK provided the TPD assessment of the application confirming that this was considered to be a suitable location for PV panels and the TPD was reassured that works are reversible and have support from DOE and DCA. CK confirmed that there would be a negligible visual impact from street level and limited views from the lower parts of the Old Town including Casemates Square and Main Street. Whilst the roof sections would be well defined and distinct across the main vista as perceived by receptors from the Tower of Homage (bridge/courtyard and the top), the Princess Caroline's Battery and the Military Heritage Centre and along stretches of Willis's Road, the works are reversible and any visual impact could be mitigated by integration into the host roof, through colour scheme of PV panels and fixtures and fittings being as in keeping with existing roofscape as much as possible. CK also confirmed that the visual impact of the panels should also be balanced against the environmental benefits of installing PV panels.

CK confirmed that the recommendation is for the application to be granted approval subject to approval from DoHsg and conditions to address consultee feedback and matters raised in the Town Planning Report on the application.

MH highlighted the need for the installation of hooks, in order to facilitate maintenance, similarly to which has been done in other developments. MH confirmed that this also aids in ensuring high efficiency from the PV panels, as well as the general upkeep of the roof and gutters. MH noted issues that are being experienced concerning the maintenance of gutters and other items where maintenance has not been facilitated in the design of a development.

The Chairman confirmed that a Planning Permission would not be issued until this matter has been resolved.

JH confirmed that the panels will also need to be maintained, and therefore is in agreement with the installation of the hooks mentioned by MH.

MEEC confirmed that he supports the project as it increases renewables in Gibraltar, noted that the severity of the visual impact was not as significant as perceived, and felt that PV panels could even be viewed as beneficial to the aesthetics in developments such as this, and is agreement with the installation of hooks.

The application was approved unanimously in line with the recommendations of the TPD. The Chairman advised Members of an interim policy being prepared by the TPD in respect of PV panels which will be presented to the Commission in due course.

7/24 – F/18793/23 – 12 - 14 Hospital Ramp -- Proposed alterations and addition of terrace to both flats and the conversion of part of ground floor of 14 Hospital Ramp into a garage.

CK introduced the application, confirming that the site comprises a pair of part three – five storey masonry dwellings located on corner of Hospital Ramp and New Street which dates back to 1918. CK set out that the surrounding buildings are in residential use and of a similar design and there is one property with a garage further up on the opposite side of Hospital Ramp and that the Commission had approved a garage to 29 Hospital Ramp at the DPC meeting held on 20 May 2022 on a majority vote on the basis that the garage wasn't considered to be an issue provided the applicant could satisfy the Traffic Commission that it works.

CK also confirmed that the TPD had undertaken a visual inspection of the property and that the majority of shutters on buildings are timber and also informed the Commission that the property directly abuts 10 Hospital Ramp and 3 New Street, although both properties have the same freehold property as the application site.

CK confirmed that this was a full application, and that the applicant is seeking to undertake proposed extensions and alterations to both 12 and 14 Hospital Ramp including a conversion of part of ground floor into a garage to 14 Hospital Ramp including the blocking up of an existing window. CK outlined the other works the applicant was proposing included internal alterations at first and second floors across both properties; the installation of a new east facing window at the second floor level of 14 Hospital Ramp and the conversion of an existing window to French windows; the removal and rebuilding of top floor to 12 Hospital Ramp due to water ingress; the removal and leveling of existing lean to roofs removed and the creation of a roof terrace for both properties, which are to be bound with glass balustrading and accessed via stair cores; and all elevations will be provided with new windows to provide a uniform fenestration through both buildings including installation of four x windows to No. 12 Hospital Ramp at second floor level and repositioning of existing window to left to No. 14 Hospital Ramp.

CK confirmed that the application was subject to public participation and no representations had been received.

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

- DoE – no objections subject to standard environmental conditions;
- GHT – consider the building is clearly in need of regeneration and welcome from a heritage regeneration and urban renewal perspective, however, object to garage, on the basis that this is a practice of the past in the Old Town, there have been no recent decisions by the Commission approving garage conversions and such proposals destroy the character of buildings. Also object to glass balustrading on terraces and require installation of metal railings with intermittent piers where needed. Confirm that the building has a mix of fenestration and proposal will provide a welcome unification and would support a heritage approved uPVC window with timber shutters. Confirm that if the entrance doors are to be replaced, they should comply guidance of the Old Town Guide.
- MoT – consider that the proposed garage is a welcome addition and alleviate on-street parking pressure on Zone 2 and require a detailed Swept Path Analysis (SPA) to be submitted.
- TSD – no in principle objections, however, require a detailed SPA to be submitted to confirm the proposed garage is feasible and set out a number of technical requirements

which will form part of the informative should the Commission resolve to approve the application.

- TC – tabled twice and uphold position that there is no in-principal objection to a garage in the location, however, require a detailed SPA to be submitted in respect of the proposed garage for ratification prior to a Planning Permission being issued.
- MfH - no objections.

CK provided the TPD assessment of the application confirming that the refurbishment of properties welcomed from an urban renewal perspective and that the proposed development will contribute to regeneration of this part of the Old Town. CK confirmed that whilst the overall design including reconstructed parts is considered to be sympathetic to original building and streetscape, however, there are a couple of elements that require improvement. CK set out that the proposal for glass balustrading would set a precedent in the Hospital Ramp area and considered that this should be omitted from the design and replaced with metal railings with intermittent piers where necessary.

CK also confirmed that the TPD consider that the stair cores at roof level are considered to be a bulky addition to the buildings which would harm the visual amenity of the original building and wider area and consider that these should be replaced with access hatches consistent with other recent decisions of the Commission.

CK also informed the Commission that the TPD consider any replacement or new windows should be of the uPVC heritage approved variety and that replacement or new shutters should be timber on basis that the majority of the original shutters on the property are timber.

CK confirmed that the TPD has no objection to a garage in this location subject to a detailed SPA being submitted for ratification to prove it can work. This is on the basis that the garage would not impinge on existing Zone 2 public parking as there is none on Hospital Ramp, and from a planning perspective is not considered to impact on the character of this building as it has a more modern render finish and the Commission recently approved a similar proposal for a garage at 29 Hospital Ramp in May 2022.

CK confirmed that the recommendation is for the approval of the application subject to submission of detailed SPA to be ratified at Traffic Commission and revised plans to be submitted including change in balustrading to metal railings with intermittent piers and the omission of stair access cores to be replaced with access hatches. CK confirmed that upon submission the revised plans would be tabled at a Sub-committee for approval. CK advised that if the applicant cannot show that the garage works then the revised plans will need to omit this aspect of the proposed development.

CK informed that Commission that any subsequent Planning Permission would be subject to conditions to address the matters raised in the Town Planning Report on the application.

JH highlighted ongoing issues with people cycling and driving up that hill illegally. CK confirmed that a SPA will need to be submitted by the applicant which will aim to assess and mitigate any risks with traffic in the area.

Further to CKs comments, the Chairman advised that the Commission is only concerned with the safe operation of the garage and cannot concern themselves with traffic violations.

CAM stated that the Trust were not in agreement with the proposed development due to visual impact caused by the garage on the grounds that it negatively impacts the character of the building but is in agreement with the other recommendations of the TPD.

MEEC raised issue with the proposed glass balustrade as transparent glass would not be acceptable, MEEC suggested that a separate vote be taken solely for the inclusion of the garage door, seeing as the Commission all seem to be on board with the other elements of the proposed development.

The Chairman confirmed that the recommendation is for glass balustrading to be changed to railings with intermittent piers and will, therefore, not be an issue, and agreed for a separate vote to be taken solely on the garage door.

MEEC expressed concern with benefits and detriments related to the inclusion of the garage in this particular area, causing conflict and uncertainty in their vote.

The Chairman advised the Commission of the lack of vernacular architecture in this particular building where the same cannot be said for the other buildings within its setting, and, therefore, would be treated as a one off and does not mean that the same would be allowed in its surroundings.

CAM disagreed with the Chairman and felt that there was in fact vernacular architecture in the existing building, and highlighted the vernacular architecture in the area, where other similar proposals have been refused.

The Chairman motioned for a vote on the application including the garage.

For - 1

Against - 9

Abstentions - 1

The application was approved without the garage on a majority vote with the applicant to submit revised plans to address the Commission's decision and to address the other recommendations of the TPD.

MH left the meeting due to other commitments.

8/24 - F/18809/23 – 6/6 Castle Road -- Proposed construction of new private and commercial storage units and associated ancillary works.

CK introduced the application, confirming that this is a double fronted site that sits between Castle Road and Lower Castle Road and comprises a single storey storage unit/yard that effectively sits on a podium in the heart of the Upper Old Town, and is located within the curtilage of the Clock Tower and the Outer Walls of the Moorish Castle which abut the northern boundary of the site, and both are listed heritage assets. CK noted that access to the site is provided via a steep ramp from Castle Road and in respect of the surroundings to the east of the site is a row of two x storey terraced houses and to the south of the site is a part two – part four storey residential building which is separated from the application site by a public set of stairs. To the west of the site is Lower Castle Road and other residential properties.

CK noted that the Commission unanimously refused a full application on the site for a part three and part five storey residential building with 15 flats and associated underground parking on the site at the DPC meeting held on 26 April 23. CK confirmed that the application was refused on the basis that the height, massing, scale and density would result in an overdevelopment of the site, and in an adverse impact on the setting of the Clock Tower within the Castle Road streetscape and longer distance views when looking up from Watergardens. The height and massing of that development were considered to affect amenity of neighbouring residential properties to the East and South; that the development was considered to be overbearing on Lower Castle Road; and the development would result in loss of on street public car parking.

CK went on to confirm that as part of the assessment of that application, the TPD recommended a substantive redesign and submission of a new application such as a low density residential scheme with a reduced number of larger units on the site such as a terrace of town houses which incorporated a physical separation from Clock Tower and outer walls of the Moorish Castle and set-backs on the other parts of the site and restricted any development to two levels in height on the northern part of the site to address amenity concerns of residents to the rear.

CK set out that the proposed development is seeking to obtain full planning permission to construct a part one and part two storey building on the site ranging in height to 2.4m above Castle Road and 5.65m when viewed from Lower Castle Road) to provide 18 x stores for private residential and commercial storage with vehicular access off Castle Road. CK noted that the proposals include:

- a set back behind retaining wall on Lower Castle Road which is to be cleaned and repaired;
- access provided to maintain the Clock Tower which is to be finished in existing colour and rendered and scheme setback from outer walls of Moorish Castle;
- the retention of the existing single storey structure that adjoins Clock Tower.
- two x car parking spaces to be provided at basement level;
- a covered vehicle loading bay to be provided at first floor level.
- a covered walkway with a low pitch roof and ventilation grills to be provided at first floor level to ensure privacy and amenity of town houses to rear are not impeded and provide natural light; and
- a flat roof with green or sedum roof and integrated PV panels and will also include thermal solar shading.

CK confirmed that the application has been subject to public participation and that a total of five representations had been received and that a number of those objectors would like to address the commission.

The Chairman invited objector Julio Lopez (JL) to address the Commission.

JL advised that LPS confirmed that no building could be erected as a condition at the time of the purchase of the site. JL called for heritage to be considered as this a heritage sensitive area and that the public may like to enquire on the persistence of development on this controversial site and explanation on the need for the proposed development. JL raised the issue cause by the invasion of privacy on four dwellings and highlighted the potential of damage of existing heritage retaining walls which are already showing signs of damage, and feels that a survey on potential implementations which would be caused by works and further load, and has not seen a study carried out on the potential risks associated with this.

The Chairman advised that the loading would be assessed as part of the building control process.

The Chairman invited the second objector, Robert Israel (RI) to address the Commission.

RI raised legal issues, claiming that the boundary wall is under their ownership and any permanent fixture would require their consent. RI advised that the proposed development would have a negative impact on character and heritage and that the original name of their home was changed to Clock Tower Views, and that this development would completely remove all views of the Clock Tower. RI advised that this project would remove all sunlight to the patio and remove all views and would potentially cause detriment to their mental health as a direct result. RI advised that the proposal has thus far already caused detrimental effects to his and immediate family's mental health and is considering taking legal action via a claim.

The Chairman invited the third objector, Rosie Capurro (RC) to address the Commission.

RC confirmed that her objections remained the same as previous representations. RC informed the Commission that she considers that the development is too tall and would remove views to the Clock Tower, and considers it is in close proximity to the Clock Tower which is an issue. RC also raised an issue with invasion of privacy due to the proximity and would ask that any windows be frosted and noted that there is no need for a view as they are commercial units.

The Chairman invited the applicant, Steven Olivares (SO) to address the Commission.

SO advised that after representations from the objectors were made the last time the application was tabled at DPC, the height of the building has since then already been significantly reduced, thus significantly reducing the visual impact on the Clock Tower and noted that separation has also been increased. SO also noted the removal of a window in order to remove invasion of privacy and noted that a number of the existing walls do have cracks, and he has agreed to repair the existing crack on one of the walls. SO noted that the height of the building has also been lowered from the original proposed development, and as a result, there is no loss of line of sight from the second floor of the property to the rear. SO stressed that studies have been conducted of the sewers, walls, landfill, and a desktop assessment on the entire plot, and all point in favor of the proposed development. SO contested the argument that there is no need/ demand for this type of development and advised that investigations have been carried out with the members of the public in the immediate area, whereby he claims that they agreed on the need for a development such as the one proposed. SO confirmed that subject to the approval of the application by the Commission, he is willing to make further amendments to the proposal in order to ensure that the wall pertaining to RI is not affected in any way.

CK provided a summary of the other representations that had been received confirming that John Penfold considers that the new proposal is a better use of site provided development stays below height of kitchen windows, as it is the only source of natural light and raises concerns regarding rainwater flows. Jon Sheppard Capurro considered that the building would encroach and negatively affect the heritage value and character of the Clock Tower and considers that the plot could be better utilized as a public open space or improved through the provision of interpretive signage.

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

- DOE – confirm there are no EPC requirements for stores that are not being heated or cooled;
- DoHsg – raised concerns with respect to surrounding tenants;

- MfH – confirm that they are working in conjunction with applicant so that there were no significant concerns with revised scheme from a heritage perspective and confirm that a Heritage License may be required depending on works to listed Clock Tower and require an AWB if there are excavations and encourage efforts to restore historic fabric and features in the site;
- MoT – raise concerns regarding car access to site and loss of two on street public parking spaces and require provision of cycling, e-bicycle and motorcycle spaces;
- TSD – set out a number of technical requirements which will form part of the informative should permission be granted by the Commission.
- TC – confirm that they object to both proposals put forward to enable vehicular access to the site and consider both options do not work as this will require:
 - the loss of two on street parking spaces;
 - there are safety concerns with vehicles exiting the development onto Castle Road (no visibility to southbound traffic approaching);
 - there are safety concerns to the traffic arrangements proposed (reversing the flow of traffic will not be possible as there will be a section of road where two-way traffic is not possible due to the permissible widths in this area, as well as the southbound stretch of road is used by the bus service to access Tankerville Road in inclement weather); and
 - Recommend a 15-minute loading bay to be demarcated outside of the development on Castle Road, and not allowing vehicles to enter/ exit the development due to the safety concerns stated above. The loading bay is to be operational between 09:00hrs to 20:00hrs and revert to free parking after 20.00pm subject to revised plans being submitted for ratification prior to a Planning Permit being issued.

CK provided the TPD assessment of the application confirming that the TPD appreciates that the applicant taken on board our advice on the previous application and has no objections to the part one storey and part two storey storage development on site.

CK confirmed that the TPD welcome the reduction in height, mass and scale and less intensive use addressed TPD concerns with the previous application and welcome access to the Clock Tower and that the development is set back from lower walls of the Moorish Castle as well as the commitment to clean and repair retaining walls and repair works to Clock Tower.

CK informed the Commission that the TPD considers that the reduction in height and mass and restriction to two storeys across site addresses the amenity concerns of residential properties and welcome pitched covered walkway with grating.

CK noted that overall the applicant had addressed most concerns of the concerns of the TPD although there are a couple of minor design points which need addressing including the provision of a set-back on the covered car port to reduce the impact of the scheme when looking northwards on Castle Road, and moving windows on east facing elevation as offered to address objectors concerns.

CK also informed the Commission that they agree with the comments of the TC and consider that no vehicular access provided to the scheme and consider that parking spaces at basement floor are omitted and could be replaced with additional storage and vehicle loading bay at ground floor level converted into bicycle, e-bicycle and motorcycle parking and proposals for a loading/unloading bay in line with TC recommendations to be submitted.

CK confirmed that the CK confirmed that the recommendation is subject to revised plans being submitted to providing no car access to stores; parking bays to be converted into additional stores; bicycle, e-bike and motorcycle parking at ground floor level and potential to integrate a way of transferring goods between the levels in the site such as a lift /loading bay on opposite side of road; and minor design changes to set back covered roof at GF level to be ratified by MoT and TC and approved at Subcommittee level and the Planning Permission to include conditions to address consultee feedback and recommendations in the report by the TPD.

CAM asked that whilst Mr. Israel's section of the wall has had representations made, what will happen to the remainder of the wall.

SO advised that the wall will be covered during the works in order to avoid damage, and that no intrusive works would be carried out on the wall and, therefore, be left in its existing condition, although the wall will receive a new coat of paint. SO advised that no other sections of the walls form part of the deeds of any other properties in the area.

JH considered that the development is too large and overbearing and felt that the scheme was not appropriate for the area. JH stressed the existing traffic issues in the area and felt that this development would negatively impact on this, particularly during the carrying out of the works. JH also advised that she does not agree with the aesthetic of the building, and feels it is not in keeping with heritage setting.

CK responded to JH comments advising that they did not object to the inclusion of a loading and unloading bay.

JH noted that she understood that this was the case but was not in agreement.

MEEC stated that he was not sure whether Mr. Israel's condition is for there to be no building up to his wall, or for nothing to be built directly in front of his wall.

SO stated that the deeds say that the wall itself is under Mr. Israel's ownership and advised that so long as the development is not in direct contact with the wall, is in fact not in breach of the deeds.

MEEC noted that he has been on site with both the applicant and objector, and understands that both make valid arguments, and would, therefore, like to suggest that Members attend a site meeting with both the applicant and the objector.

SO noted that the current area is in a dilapidated state and is offering, as part of the proposed development, he would be beautifying the area.

CAM stated that further to MEEC comments, is finding it difficult to reconcile the tenants' needs with the aims of this project.

SO stated that he has worked to address heritage issues and reduced visual impact, but issues for the tenants still remain, and is therefore also in conflict.

KDS left the meeting but advised that his vote would be in favour of the proposed development.

The Chairman stated that further to the recommendation of MEEC for a site meeting, he advised that the application should be deferred for a site visit to take place assuming general agreement from Members. The Members confirmed that they agreed that the site visit to take place.

The application was deferred for a Members site visit to take place and for the application to be re-tabled at the next DPC for a final decision.

9/24 – F/18888/23 – St Mary’s First School, 44 Town Range -- Proposed 4G micro radio equipment deployment.

CK presented the application, confirming that the applicant is proposing the installation of a 4G (2600MHz) micro remote radio unit on the wall beside the main playground in St Mary’s School. CK informed the Commission that the application follows tests undertaken by Gibtelecom’s Radio Access Network team which confirm coverage is low, with no signal in some areas including the staff rooms and that delivery coverage from an external macro antenna is not possible due to the school’s location in relation to existing mobile sites so the applicant is proposing a hotspot solution which will be facilitated through the installation of a micro remote radio unit comprising a small pole with the antenna attached to the top of it with a total height of 1.2m. CK confirmed that the micro remote radio unit will be configured with a maximum 10W output power with a 240V power source and will be below the ICNIRP guidelines set for the maximum output with a 0.016% output at 25m. CK notified the Commission that this is the second application for such equipment following Commission’s approval of installation of a Micro remote radio unit at Bayside / Westside School at DPC meeting held on 29 June 2023.

CK confirmed that the applicant served notice of the application on the Department of Education and no comments have been received.

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

- DOE - confirm that applicant has to ensure that HM GoG policy is adhered to;
- ESG - note that this is the second school application to come before the Commission. Consider proposal will go against policy of 100m minimum distance from schools. Raise concerns of allowing such masts on a school and that this will set a precedent for future applications, and call for a review by Government of the changes to its Precautionary Principle Policy asking what this represents for the local community as they expect more applications to come through for antennas as the demand increases;
- GRA - confirm that applicant has submitted the relevant forms under the Communications Act 2006 and that the equipment will be subject to a site inspection prior to the equipment being powered up and this inspection will include an EMF audit to ensure the new installation is within ICNIRP guidelines; and
- LPS / MfH / TSD – no objections.

CK confirmed that the TPD notified the applicant of the ESG comments and has responded to points raised on the following basis:

- re-confirm that proposed coverage solution consists of a low power 4G Micro-cell (10W Max Power) which will meet ICNIRP deployment guidelines;
- confirm that the transmitter is not a Macro-cell; and
- confirm that the applicant is deploying solution at request of HM GoG and the Department of Education and is not part of any network expansion plan.

CK provided the TPD assessment of the application confirming that the proposed installation of any 4G equipment especially in proximity to a school is subject to extensive analysis and consultation by the TPD. CK confirmed that in this instance, it should be stressed that HMGoG policy on the Installation of Mobile Phone Antennas relates to macrocell radio antenna and that this application is for a microcell antenna and as such, the HMGoG policy does not apply to the

consideration of the application, as it is not a macrocell antenna. CK confirmed that microcell antennas do not operate at the same capacity as macrocell antenna and that the proposed equipment is effectively like a repeater which is installed to provide a local hotspot and would be similar to the equipment that has been installed throughout Ocean Village and Westside/Bayside Schools and the ICNIRP reading will be below the guidelines set for the maximum output with a 0.016% output at 25m.

CK confirmed that whilst the TPS acknowledge the concerns of the ESG, overall for the reasons that have been set out the TPD recommend the approval of the application subject to conditions including the necessary monitoring to be undertaken by the GRA in a similar form to the condition that was attached to the Planning Permission for Westside/Bayside schools (i.e. if the GRA receive monitoring reports with excessively high readings all operation would have to cease immediately).

JH agreed with the conditions recommended by the TPD and advised that Bayside and Westside did get permission on the condition that it was a microcell antenna noting the slight difference in guidelines and noted that there would be close monitoring on the performance and asked if there was any information on this.

MEEC advised that the report carried out by Gibtelecom showed that the waves were much lower than expected, and that the Director of Public Health concurred. MECC advised JH that the report would be sent to the ESG.

JH repeated her concerns due to the difference in accepted levels and advised that this information should be made public.

MEEC advised that he had no objection to this information being made public.

The Chairman motioned for a vote on the application.

For – 8

Against – 1

Abstention - 0

Application voted for approval subject to conditions and recommendations.

Minor and Other Works– not within scope of delegated powers

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

10/24 – F/18844/23 – 13 Catalan Gardens, Sir Herbert Miles Road -- Proposed side extension over car ports and associated external alteration.

This application was approved.

11/24 - F/18892/23 – Blocks 7 and 9, Europort -- Proposed construction of a bridge link connecting Level 2 between office units 721 and 921 for the purposes of circulation.

This application was approved.

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

12/24 – F/16775/20 – 29 Trafalgar Heights, 50 Europa Road -- Proposed replacement of kitchen window.

13/24 – F/17233/20 – Napier House, 1 St Christopher's Alley -- Proposed refurbishment of building including minor extensions and external terraces to property, installation of swimming pool and construction of new boundary wall and entrance gates.

Consideration of as built plans for perimeter wall.

14/24 – F/18002/22 – 238 Main Street -- Proposed beatification of shop front and internal alterations.

15/24 – F/18394/22 – 293/3 Main Street -- Proposed extension and alterations to residence.

16/24 – F/18537/22 – Bus Depot -- Proposed installation of photovoltaic panels.

Consideration of details of PV panels, fittings and fixtures and Best Available Technology commitment certificate to discharge condition No. 2 of Planning Permission No. 8721.

17/24 – 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.

Consideration of revised plans to comply with DPC decision of application.

18/24 – F/18831/23 – The Rock Hotel, 3 Europa Road -- Proposed refurbishment of part first and part second floors into hotel administration offices.

19/24 – F/18833/23 – Flat 1, 281 Main Street -- Proposed internal alterations and replacement of windows.

20/24 – F/18847/23 – Unit 10 New Harbours -- Proposed internal alterations and installation of entrance door within existing roller shutter.

21/24 – F/18855/23 – Flat 20016 Rosemary Court, Sir William Jackson Grove -- Proposed installation of air conditioning unit.

22/24 – F/18867/23 – 52 Main Street -- Proposed refurbishment of commercial premises, including external signage re-branding.

23/24 – F/18881/23 – Portland House, Glacis Road -- Proposed works to remove existing tiles and re-pave with stone paver tiles (slabs).

24/24 – F/18885/23 – 1201 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.

25/24 – F/18887/23 – 1409 Ocean Spa Plaza, 17 Bayside Road -- Proposed installation of glass curtains.

26/24 – F/18890/23 – 14 Admiral's Place, Naval Hospital Road -- Proposed installation of vehicle charging system.

27/24 – F/18891/23 – 3/6 and 3/7 Jumper's Building, 1 Witham's Road -- Proposed subdivision of one x 5-bedroom flat into one x 2-bedroom flat and one x 3-bedroom flat.

28/24 – F/18902/23 – 35 Gardiner's View, Europa Road -- Proposed installation of window.

29/24 – F/18909/23 – 29A Admiral's Place, Naval Hospital Road -- Proposed fitting of three x roof lights to loft area.

30/24 – F/18919/23 – Waterside Apartments (Marina Club) -- Proposed conversion of the small studio at ground floor level into the main entrance/reception to the building and connection of all two x bedrooms with the adjacent studios.

31/24 – F/18939/23 – 10 Lancaster Road -- Proposed change of use of ground floor street facing residential unit (Class C3) to office space (Class A2).

32/24 – A/18826/23 – 310 Main Street (Outside Inces Hall) -- Proposed installation of a shop sign.

33/24 – A/18923/23 – Sacarello, 96 Main Street -- Proposed replacement of existing signage.

34/24 – MA/16524/19 – 3 Willis's Passage -- Proposed extension and refurbishment works to building.

Consideration of proposed Minor Amendments including:

- *replacement of the existing flat roof to the rear (east end of the building) with a terrace to match other terrace located on the main roof area.*

35/24 – MA/18857/23 – 4 Library Gardens -- Proposed refurbishment of house and construction of new roof and part storey extension.

Consideration of proposed Minor Amendments including:

- *proposed installation of a/c unit on roof with trellis screening;*
- *retrospective extension for enlarged store at terrace level; and*
- *retrospective installation of window on south facing elevation.*

36/24 – Any Other Business

No other business was raised by Members.

The meeting concluded and the next meeting was confirmed for 25th January 2024.

Chris Key

Secretary to the

Development and Planning Commission