

## THE DEVELOPMENT AND PLANNING COMMISSION

### MINUTES

Minutes for the 4th meeting of 2024 held remotely via video conferencing on 21st March 2024 at 9.30am

**Present:**

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

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

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

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)

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

Mr C Viagas (CV)

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 Neale  
(Minute Secretary)

**Apologies:**

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

Mr H Montado (HM)  
(Chief Technical Officer)

## Approval of Minutes

**110/24 – Approval of the Minutes of the 1st meeting of 2024 held on 10th January 2024, Approval of the Minutes of the 2nd meeting of 2024 held on 25th January 2024 and Approval of the Minutes of the 3rd meeting of 2024 held on 29th February 2024.**

The minutes of the 1st meeting of 2024 held on 10th January 2024 and the minutes of the 2nd meeting of 2024 held on 25th January 2024 were approved.

The minutes of the 3rd meeting of 2024 held on 29th February 2024 were not ready and were deferred to the next meeting to approve.

## Matters Arising

None

## Major Developments

**111/24 – F/18813/23 - Former Caleta Hotel, Sir Herbert Miles Road -- Proposed construction of new 5-star international brand hotel (Class C1) and residential development (Class C3).**

CK informed the Members that the applicant and the architects were going to present the application.

The applicant, Bruno Callaghan (BC) advised Members that they had taken the Commission's comments in respect to the outline application on board and that they felt that the revised design is far superior to what had been previously presented. The architect Patrick Gomez (PG) presented an overview of the proposed development setting out how it had evolved and addressed previous concerns relating to height, massing, scale, shading, design and technical aspects and confirming that: quantum remodeling had allowed for breathability in the residential element of the scheme; that the shadow study for the revised development demonstrates that the shadow caused on Catalan Bay had been significantly reduced when compared to the scheme submitted at outline planning; and that the section of the proposed development closest to Little Genoa is now of a similar height, and gradually rises moving away from Catalan Bay, and therefore, has a better architectural relationship with its setting. BC ended their presentation and thanked members for their time.

The Chairman asked members if they had any questions for the applicant and architect at this stage.

JH had concerns with the lack of visuals of the development from the south.

CAM enquired as to why the revised plan featured a step down which was lower towards Catalan bay and ramps up towards the southern part of the site rather than to an apex of the site and graduate the towers away from Sandy Bay.

PG advised that an option with an apexed arrangement of towers would provide a negative shadow onto Catalan Bay.

MICS enquired whether the reference to consultation with Catalan Bay had included open meetings with the residents.

PG confirmed that originally a meeting was held at outline stage with the local community and that a meeting had been held with the representative of Catalan Bay in respect of the design that had been submitted for full planning and they were on board with the proposals in respect of how it interacts and relates with Catalan Bay and how the elements had been shifted in the scheme.

JH commented that the scale of the development is also an issue, as is the massing of the proposed development and this should be discussed openly.

PG confirmed that this was in fact the main part of the debate for this project at outline planning and the applicant had gone to great lengths to explain why the scale was necessary and the financial difficulties of constructing a hotel at this site and that this was central to the outline approval of the quantum of the development. BC added that to build a 5-star hotel they need to do what they are doing in terms of the mass, scale and quantum of the development.

CK confirmed that the full application had been subject to public participation as it was a requirement of the Outline Planning Permission. CK confirmed that one set of representations had been received from Dion Darham.

CK summarised Dion Darham's representations:

- whilst the overall appearance of hotel is easier on the eye, a lot is still left to be desired;
- that the design is agnostic to the architectural context of Gibraltar;
- that the design lacks sense of place and is not recognizable of Gibraltar or the Mediterranean;
- that the application site is a prominent site and is deserving of a project that sits in harmony with Catalan Bay and its architectural heritage;
- that he suggests replacing the white boxes and rectangles on lower levels with arches which in his opinion would provide a more Mediterranean feel; and
- that the development could set a precedent by allowing very tall residential buildings to be built in the area.

CK confirmed that the applicant had not submitted any counter representations.

CK provided a summary of consultee feedback on the proposal confirming that:

DOE –

- considered that the applicant should extend the proposed restoration area further south to include parts of Shirley Cove;
- confirmed that the Biodiversity Net Gain referred to by applicant should be technically deemed a compensatory measure;
- confirmed that they are satisfied with the environmental reports submitted in support of the application regarding the requirements from the Environmental Statement;
- confirmed that whilst the current iteration of the proposed development does not meet Nearly Zero Energy Building (NZEB) requirements, they welcome the extensive efforts made by the design team to comply with the standards;
- confirmed that discussions are ongoing with the applicant to ensure the proposed development meets NZEB prior to works commencing; and

- confirmed that they are satisfied with the Planning Permission to be issued subject to a condition requiring confirmation that NZEB requirements have been achieved prior to works commencing.

DCA –

- confirmed prior to submission of the application that a full Aeronautical Assessment was not required.

ESG

- considered that whilst some aspects improved, the overall impact is unacceptable;
- considered that the three towers are ugly and bring a total lack of aesthetics to an undisturbed area which there is a duty to preserve; and
- considered that the full appreciation of the impact of the massing of the development is not possible from the submitted visuals.

MfH –

- confirmed that they have no objections and require archaeologist present during groundworks.

MoT –

- confirmed that whilst they originally had concerns, they had subsequently had a site meeting with applicant to discuss highways issues and these matters have now been resolved.

Traffic Commission

- confirmed that there are no objections to the proposed development.

TSD

- confirmed that there are no architectural or technical objections to the proposed development;
- confirmed that they are satisfied with the Geotechnical Study; and
- outlined that there is a requirement to clear an upper drainage channel on the slope of the West of the site of accumulated rock, sand and vegetation which needs to be done prior to the completion of the development.

CK confirmed that no comments had been received from the GHT, the GTB, the MoEq or the WHO.

CK provided the TPDs assessment of the development. CK stressed that the principle of the development, as well as the quantum on the proposed site has been approved by the Commission and that the Commission should also note that the Outline Planning Permission included prescriptive conditions setting out how the design needed to evolve for full planning.

CK confirmed that there were conditions in place on the Outline Planning Permission to address the TPD specific concerns regarding the design of the Outline scheme in respect of the mass of the southern element of the development needed to be broken up and that the northern end of

the development must be of a similar scale to Little Genoa and gradually rise to relate with the adjacent built environment.

CK confirmed that the TPD appreciates that the applicant has sought to make substantive design changes to address the feedback of the Commission and that they have engaged with the department during design development of the project.

CK confirmed that the TPD are aware and acknowledge that by virtue of its clifftop positioning overlooking Catalan Bay, any development at this location will be a prominent feature in the landscape and that the TPD considers that the development proposals subject to full application, while prominent, are less monolithic and better relate to the adjacent built environment in comparison to the original submission.

CK also advised that the TPD consider that the orientation and design of the Hotel at the northern end of the site essentially obscures the residential building when viewed from ground level in Catalan Bay and other areas to the North of the site which in turn makes the overall mass of the development less apparent and acknowledge that the revised orientation of this element of the development and the staggered rising setbacks has achieved a successful reduction of shading on Catalan Bay.

CK went on to state that the TPD consider that when viewed from the south, the proposed development is not unduly prominent as it is viewed in the same frame as Hassans Centenary Terraces and the longer-term proposals for the 'Eastside' development which have outline planning permission.

CK confirmed that the TPD acknowledge the concerns raised by the objector regarding the potential precedent set by allowing tall buildings in this location, however, confirmed that the TPD stress that this is a brownfield site which had previously been developed with a prominent building and the Commission has granted outline permission for a substantive hotel and residential development on the site, before going on to state that the TPD consider that due to the nature of terrain in this area, it's unlikely that a development of a similar scale would be feasible at any other location between Catalan Bay and Sandy Bay, however, this could also be protected through specific planning policies for this Zone as the Review of the Gibraltar Development Plan comes forward.

CK stated that with regard to the hotel, the TPD notes that the current proposal has windows on the northern boundary overlooking properties within the Little Genoa complex of Catalan Bay confirming that TPD considers for the hotel kitchen at Ground Floor Level and the employee Cafeteria at level -2, and in order to ensure that there are no adverse impact on residential amenity the TPD considers that these windows should be conditioned to be opaque.

CK confirmed that whilst there is a minor shortfall in respect of dedicated parking being provided for the two retail units and a shortfall of 11 motorbike spaces for the Hotel, it is noted that the overall scheme provides an excess of all types of parking, and, therefore, provided the applicant provides the two x dedicated car parking spaces for the retail units within the overall parking provision there is no objection from the TPD in respect of parking provision across the wider development.

CK went on to confirm that in respect of matters relating to the Environmental Statement, the TPD notes that the applicant has submitted an EIA Confirmation Statement in support of the application which confirms that the new design has been amended to consider concerns and opinions raised by the Commission, particularly in respect of Landscape and Visual Impact amongst other environmental, archaeological and transport impacts and concludes that the scheme has not materially impacted the validity of the findings of the original Environment Statement or the proposed mitigation.

CK stressed that the TPD had reviewed the EIA Confirmation Statement and agrees with the findings that the revised design has, on balance, improved the situation when compared to the impact of the original design concept in respect of general Landscape and Character Change, as well as associated visual impact on the WHS Buffer Zone and changes in views from Catalan Bay.

In respect of environmental matters, CK noted that the TPD acknowledges the DOE comments that the current iteration of the proposal does not meet NZEB requirements, however the TPD also stresses that the DOE has confirmed that they welcome the extensive efforts that have been made by the design team to comply with the standards, and the ongoing discussions that are being held with the applicant to ensure that the proposal meets the NZEB standard prior to works commencing and that this should be conditioned.

CK acknowledged the comments made by the DOE, that the applicant should extend the proposed restoration area to Guilds Point further south to include parts of Shirley Cove and consider that this proposed mitigation measure is justified and should form part of the compensatory measures of the proposed development.

CK noted that the TSD have confirmed that they are satisfied with the Geotechnical Study submitted in support of the application and acknowledge that they outline a requirement to clear an upper drainage channel on the slope to the West of the site of accumulated rock, sand and vegetation prior to the completion of the development and that this should be conditioned.

CK noted that several other reports have been submitted in support of the application to satisfy the conditions on the Outline Planning Permission, included a CEMP and associated site management plans and that these had received the necessary clearances from the pertinent authorities and that final versions of these documents would need to be submitted prior to any works commencing on site.

CK set out that the full application complies with the requirements of the Outline Planning Permission and planning policy and recommended that the Commission should resolve to approve the application subject to conditions to address the points raised in the assessment as well as consultee feedback.

The Chairman confirmed that the application is recommended for approval subject to conditions and prior to opening up for discussion stressed to members that it is important to note that the Commission has already approved the scale and the quantum and the applicant has sought to address the massing in this application. The Chairman also stated that the TPD does not consider that approving this development would set a precedent or shouldn't be used as a precedent as there are unique circumstances on this site and there is an opportunity to address this issue in the review of the Gibraltar Development Plan.

MEEC advised that it is important to make clear that no precedent is set, and that any developments further south than the proposed development would be totally unacceptable. MEEC highlighted opportunities for biodiversity net gain, such as the removal of invasive plant species, which would not be difficult, nor expensive to do and suggested that plant species native to the area be used, as these will have a high likelihood of surviving. MEEC suggested that the developer may wish to assist the DOE in developing the construction of a wooden walkway to the south, around Shirley's Cove, towards Miami Beach, as a gesture of goodwill.

MEEC also expressed concerns reference the high amount of glass in the development, and the risk associated due to the traffic of migrant bird species in the area and that this must be resolved. He also raised concerns regarding access to the sea and whether this would impact negatively on the natural rocky shore and that the developer should work with the DOE to ensure that this is not the case. Artificial rock pools should be provided, and this should be conditioned.

KB advised that whilst he understand that the massing was already approved, he would have preferred to have seen a reduction in massing leading towards the southern side of the proposed development, as this would have been more aesthetically pleasing, however, this would be entirely in the gift of the developer to reduce it.

CAM noted that access is to be provided to the existing bunker on the site which could be used and appreciated by tourists and locals, and further interpretation of Guild's Head that needs to be worked on to ensure the right content. The Chairman advised that the interpretation would form a condition on the Planning Permission if the application is approved.

The Chairman motioned for a vote on the application.

In favor: 10

Against: 1

Abstentions: 0

The application was approved by majority vote subject to the conditions set out in the TPD report as well as the additional conditions raised during the discussion.

**112/24 - O/19034/24 - 23 John Mackintosh Square -- Proposed refurbishment of and extension to the Haven building into an office facility and a possible commercial unit within part of the ground floor (Classes A1/A2/A3/B1) whilst maintaining the existing structure and completing the roof level to the height of the existing lift core.**

CK presented the application confirming the site comprises The Haven, a six-storey building, that is 28.12m in height including a projecting stair/lift core. And that the site is located on the East side of Line Wall Road at the junction with John Mackintosh Square

CK confirmed that to the North of the site is the listed City Hall which is physically linked to The Haven by a bridge at fifth floor, whilst to the North and East of the site is John Mackintosh Square, and to the East of the site are the listed Main Guard and Exchange Buildings as well as residential buildings on College Lane. CK also set out that to the West of the site is Line Wall Road and other listed structures including the World War I British War Memorial, two Russian Cannons captured in the Crimean War, the Kings Bastion and the fortifications which comprise

the City Wall's, whilst further West, past the City Walls, the land level drops down to Campion Park and the Midtown development.

CK advised the Commission that the site had a long planning history and outlined that the Commission had approved schemes for a predominantly glazed refurbishment of the building with a two-storey extension and retention of bridge link to City Hall in 2016, as well as an application for the refurbishment of the building and the removal of bridge link in 2018. CK confirmed that the last application on the site, which was effectively a resubmission of the 2016 application, was considered at DPC in Feb 2020 where Members decided to allow the extension of the building by one floor and for the scheme to be redesigned due to concerns that the height and massing of the proposed building was excessive. CK advised that in determining this application Members requested the removal of the bridge link to City Hall.

CK advised Members that the proposed development involved the refurbishment of the external facades of the Haven Building into an office facility including a two-storey extension and the possible use of the ground floor unit as a commercial unit. CK confirmed that the proposals included the removal of the existing lift shaft overrun and bridge link with City Hall as well as the external lift hoist over College Lane. CK confirmed that the alterations will add a Double Skin Façade and Concertina Façade to the building and that the applicant intends to meet NZEB.

CK confirmed that the application had been subject to public participation and that five sets of representations were received. CK confirmed that the College Lane Action Group had requested to address the Commission and that the other four objectors had raised similar representations.

The Chairman invited the College Lane Action Group (CLAG) represented by Lee Everest (LE) and Dilip Tailor (DT) to address the Commission and emphasized that the Members had received all their representations and had had the opportunity to read them.

LE advised that there is a statutory issue with the application as it is an incomplete submission with no Planning Statement and no existing elevations, sections or roof plans submitted by the applicant. LE also set out the CLAG consider that there is a fundamentally flawed rationale lying at the core of the design concept for the proposed development, that they consider that this proposal is the start of the redevelopment of the Old Town, that there has been insufficient consideration of the impact of the proposed development on heritage assets, that there has been no assessment of the proposed development on Gibraltar's views and vistas and the artist impressions and visuals that have been submitted in support of the application are inaccurate.

LE also stated that the CLAG consider that the proposed development does not comply with the policies of the Old Town Plan and that Jamie Hammond from Ellul and Co had circulated an email to the TPD setting out the relevant parts of the law and that the applicant had not properly addressed the Commission on the provisions of the approved Planning Scheme, the Gibraltar Development Plan (GDP) in their Design Statement and had not had regard to sections 15 and 30.2 of the Town Planning Act 2018 and had failed to provide drawings until after the period for submitting public representations had closed and begged the question as to whether the Commission can consider the application, as this has inhibited the public in submitting full representations to the proposed development. LE requested that because of this the

Commission should exercise their powers under Regulation 4 and Section 29 of the Town Planning Act and defer deciding on the application to allow the applicant to submit further information as to how the proposed development complies with the approved planning scheme and to allow further public consultation.

The Chairman confirmed for the record that the TPD did receive the email and that it had been circulated to Members and they have had the opportunity to see it.

Joaquim Rodriguez (JR) of behalf of the applicant confirmed that they had submitted counter representation to address the points raised by the objectors and that they consider that sufficient information has been submitted in support of the application.

CK confirmed that the TPD did receive an email from the representatives of the CLAG the day before the meeting, requesting the deferral of the application, which was forwarded to Members. CK stressed to Members that the TPD has considered the contents of the emails that were received and did not consider that there is an issue in Members considering the application. CK also advised that the TPD consider sufficient information was submitted in the original application to assess the application and the TPDs assessment of the proposed development has assessed the proposed development against the relevant policies of the GDP and has highlighted any policy issues.

CK provided a summary of consultee feedback on the proposal confirming that:

DoE -

- confirmed that they had no major concerns with the proposals provided all design features and sustainability measures to meet energy targets adhered to;
- confirmed that a Predictive EPC and Renewables and Sustainability Statements will need to be submitted in support of full planning application confirming that the building meets NZEB standards; and
- had other standard requirements regarding bird and swifts, the submission of a maintenance scheme for green areas and bird collision deterrence measures to be integrated in the development.

MfH -

- confirmed that they have engaged frequently with applicant and are satisfied with the proposals;

MOT -

- confirmed bicycle parking to be provided within development and details to be provided in support of the full planning application; and
- welcome that the applicant has committed to the installation of enclosed shelters for E-bikes and E-bike charging bays.

TSD -

- confirmed that they have no architectural or technical objections to the proposed development.

CK provided the TPDs assessment of the development confirming that the TPD had no objection to the principle of redeveloping and refurbishing the existing building into office accommodation, the principle of which has previously been established by the Commission and that the TPD welcome the potential use of ground floor as a commercial unit which would provide an active frontage.

CK noted that the application site is set in an elevated location and is highly visible from the west and because of this, the building is a distinct feature on the cityscape when viewed from Queensway and Campion Park and acknowledged that the site is also located in the setting of a number of heritage assets, and, therefore, the Commission must carefully consider the visual impact of the proposal development in determining the application.

CK noted that the existing building is a six-story structure with an oversized lift shaft over-run and link bridge to the adjacent City Hall and that whilst the proposed development will reduce the overall height of the building when compared to the height of existing lift shaft over-run, the TPD acknowledge the additional storeys will represent an increase in massing at the top of the building.

CK advised that notwithstanding the increase in mass, the TPD considered that the step backed design of the additional storeys will reduce the additional mass when viewed directly outside the building on Line Wall Road and that whilst the additional storeys will be visible from Queensway, within John Mackintosh Square and other locations further south on Line Wall Road, the TPD considered that the visual impact caused by the increase in massing is largely mitigated by the removal of the existing incongruous bridge linking the Haven Building with the listed City Hall, as well as the removal of the unsightly lift shaft overrun and the renovation of a prominent building which is currently in a poor condition and in need of renewal and regeneration. CK confirmed that whilst the TPD acknowledges that the proposed alterations will alter the design of the existing building, which is characterised primarily by the concrete west façade, with tall windows which are surrounded by concrete sunshades, the basic shape of the existing building will be retained during the refurbishment.

CK outlined that whilst there is no denying that the introduction of a contemporary concertina design on the prominent west façade does represent a significant change in the design language of the building, as does the stone framing on the north and south façades, notwithstanding the TPD does not consider that the new design is out of keeping with its surroundings.

CK advised the Commission that the TPD does not consider that the existing building is reflective of the overall aesthetic of the Old Town, and notes that there are a number of other contemporary buildings positioned on Line Wall Road including the GibFirst Corporation Group and NatWest buildings at 55 and 57 Line Wall Road respectively and that the TPD considers that the proposed design is an interesting design concept for a multi-faceted building which is inherently sustainable. CK stressed that the TPD considers that the proposed development is considered to appropriately and effectively relate to its different built environments, including listed buildings and heritage assets, when viewed from the North, the South and from John Mackintosh Square.

CK set out that the Commission had previously considered a two-storey extension at the property with a greater mass was acceptable, and whilst the Commission subsequently

reconsidered this position, the TPD are of the opinion that proposed extension which has been designed within this scheme, provides significant progressive setbacks and substantive greening proposals of the upper floors, so that the scheme integrates better within the site and assimilates better with the surrounding townscape than the previous proposals for a two storey extension that were approved by the Commission.

CK confirmed that there are no objections from the TPD to the building not providing any car or motorcycle parking or the Commission waiving the car parking regulations in respect of the application, and that this position is on the basis that the existing building does not provide any car or motorcycle parking and that the building is situated in a highly accessible location with good public transport links.

CK also noted that whilst the applicant has not provided details of any cycle parking, they had referred to providing cycle parking within the Design Statement as well as the potential for providing sheltered bicycle and scooter parking on LWR including the provision of electric bicycle and scooter charging points and that the TPD considers that this should be conditioned if Members were minded to approve the Outline application.

CK stressed that the TPD acknowledges that several matters have been raised by objectors and the majority of objections raised can be classified as either a procedural matter, a design matter, or a heritage matter.

In terms of the procedural matters, CK noted that the objectors had suggested that the omission of existing elevations constituted a breach of statutory procedure. CK advised the Commission that the TPD considers that the omission of existing elevations did not inhibit the public's ability to review and comment on this planning application and that the Visual Impact Assessment in the Design Statement provided clear comparative visuals and photos as well as line drawings of the existing situation and the proposed development to enable the TPD to ascertain the impact of the proposal development.

CK noted that whilst some of the applicant visuals omitted heritage assets it should be stressed that in preparing the department's assessment of the application the TPD had assessed the proposed development in the context all surrounding heritage assets.

CK confirmed that the TPD consider that the contents and information submitted in the Design Statement has provided sufficient information for the TPD to assess the application and is in accordance with the regulations for what is required to be submitted in support of an outline application.

CK confirmed that the TPD acknowledges that objectors consider that proposal is out of keeping with the Old Town, is too tall, and is not in compliance with policy OTC 6 (Tall Buildings) of the Old Town Plan. CK informed the Commission that the TPD finds that the proposed design is considered to be acceptable, and that the proposed building will not be taller than the overall height of the existing building including the lift shaft, and that the principle of a development with a greater mass than what is being proposed was previously considered to be acceptable by the Commission and that this scheme is considered to have been designed to minimise the impact of the mass of the extended part of the development as much as possible.

CK acknowledged that the TPD note that objectors had also argued that the applicant has failed to adequately consider heritage and that the proposals is harmful to surrounding heritage assets and that whilst the TPD agrees that reference to Hertiage assets within the applicant's submission is lacking, the TPD has consulted heritage stakeholders and the MfH has confirmed that they are satisfied with the proposed development. CK also confirmed that the TPD had also undertaken its own assessment of the proposed development and its impact on heritage assets and considered that the proposed development does not detract from the setting of surrounding heritage assets and the removal of the link bridge is considered to improve the setting of the listed City Hall building.

CK confirmed that overall, the TPD considers that the outline application complies sufficiently with Planning Policy and recommended that the Commission should resolve to approve the application subject to conditions set out in the assessment as well as consultee feedback.

KB advised that he felt that the new design is an improvement on what had previously been proposed on the site and that it is an interesting design concept, however, he had concerns regarding the high amount of glass and its potential impact on birds. KB noted a comment in the Design Statement that the glazing would be bird friendly, which may be sufficient for outline planning but would require full details to be submitted in support of any full application.

CAM confirmed that the proposed development, when compared with previous proposals, is one of the better ones that has been brought forward on the site and that the applicant has put a lot of work into how the north elevation of the development interacts well with John Mackintosh Square and the removal of the bridge link to the City Hall is welcomed.

JH expressed concerns reference the glassy look of the building and the impact of the proposed development on infrastructure in the area and wondered how the pavement is protected for all users during construction. Concerns reference the damaging of pavements on site.

JR advised that a platform would be created to protect the pavement for public use, although that would be discussed with Building Control.

JH advised that this should form part of the conditions on the Outline Planning Permission.

The Chairman advised that this is only an outline application, and that matters such as these would be discussed and agreed with Building Control and Highways Section of the TSD prior to any works commencing.

MEEC expressed that the proposed design was an improvement from the original and highlighted the existence of a swift colony in the building and confirmed that no works may be undertaken which affect the colony. MEEC also confirmed that no works may take place during the time the colony is active and that there would be a need for the pavement to remain open during construction due to the high pedestrian traffic in the area.

The Chairman advised that the applicant has been in extensive consultation with the TPD as well as other departments to better this development proposal and highlighted the importance of developers entering meaningful consultation prior to applications being submitted and highlighted the sustainability measures being incorporated within the scheme.

The Chairman motioned for a vote on the application.

In favor: 10

Against: 0

Abstention: 1

The application was approved by majority vote subject to the conditions set out in the TPD report as well as the additional conditions raised during the discussion.

### **Other Developments**

#### **113/24 – O/18703/23 – 118-122 Main Street -- Proposed construction of a three-storey residential extension above the existing property.**

CK stated that this was a 13.33m tall typical pre-war traditional building located on Main Street with two x commercial units at ground floor level and has a three-storey building located to the South and a four-storey building with a double height ground floor including mezzanine level located to the North.

CK confirmed that the applicant had originally submitted proposals for a four-storey extension and alteration of floor to ceiling heights of the existing building to provide 12 x two-bedroom flats in a seven-storey building (21.43m in height) with the sixth and seventh storeys including a staggered 1.5m setback to provide terraces for west facing flats. CK also confirmed that the original proposal also included proposals to infill the internal courtyard to provide new access stairs and lift access through the building.

CK confirmed that the TPD, the TSD and heritage bodies could not support the original scheme, it was considered excessive and contrary to policy and resulted in unnecessary demolitions and adjustments of the internal arrangements of the existing building.

CK went on to state that the applicant had subsequently submitted revised proposals which were for a three-storey extension to provide a six-storey building that was 20.43m in height and had been reduced by 1m when compared to the original scheme. CK confirmed that the revised proposals would: provide nine flats; retain the original levels of building at lower levels; rebuild the second floor within the height of the existing building façade and parapet without disrupting the façade fenestration; retain the existing façade and refurbish it whilst the newly constructed third and fourth floors will be aligned to the Main Street façade plane; remove the existing decorative cornice and reform it as a crowning element at the top of the fifth floor which would be significantly set back from Main Street façade plane in order to keep Main Street façade within proportion and to reduce the line of sight and reduce visual impact from surrounding street area; retain the rear light well to provide light and ventilation including 75% of existing shiplap cladding; and replace the central courtyard with a smaller version.

CK confirmed that the total height of the building would be lower in height than other schemes recently approved by Commission at 117 Main Street (21.43m) and 267-269 Main Street (21.43m).

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

CK provided a summary of consultee feedback on the proposal confirming that the:

- DOE – required a predictive EPC and Sustainability and Renewables assessment to be submitted in support of any full application, recommended the installation of photovoltaic panels and a green or brown roof and integrated bat and bird nesting sites in the development as well as bat and bird surveys to be undertaken prior to any works commencing;
- MfH – originally objected to two additional storeys on the original submission as it exceeded the policy by two floors, would set a dangerous precedent and would have negative visual impact on the streetscape and had now confirmed that whilst the revised scheme was an improvement, it maintains its position that the building is of excessive height and that it should be reduced by an additional storey;
- TSD - had no objections to the revised scheme; and
- GHT – had objections to the original proposal but had not provided any comments on the revised scheme.

CK provided the TPDs assessment of the revised scheme confirming that the TPD welcome that the applicant had entered negotiations to produce a scheme which has sought to address initial Town Planning and heritage concerns and confirmed that the substantive changes made by the applicant to preserve heritage sensitive aspects of the building, including a significant proportion of the rear courtyard including 75% of existing shiplap cladding, re-providing a smaller central courtyard, retaining and refurbishing main façade and repurposing the existing decorative cornice, were welcomed, as was the transition in the design of the building and the significant setback of the sixth floor which was considered to have minimised the visual impact of the proposed development.

CK stated that overall, the TPD consider that the revised scheme had been sympathetically designed and was appropriate to the area whilst maintaining the traditional vernacular of the existing building and recommended that the application should be approved subject to the conditions to address consultee feedback.

CAM agreed with the TPD assessment, however, noted that there were several heritage features located internally within the building, such as doorways, fanlights, tiling, fireplaces and cornices which are unique to Gibraltar and the condition of which should be investigated and retained and preserved where possible, as often they are removed within developments.

The Chairman advised that a condition could be included any Outline Planning Permission, for the applicant to undertake a survey with the Trust and the MfH to identify what should be retained.

MEEC requested that the applicant liaises with the DOE to create a cavity behind the repositioned cornice for swifts and the development should be a nearly Zero development.

The application was unanimously approved subject to the conditions set out in the TPD report and the additional condition regarding the creation of the swift hole behind the cornice.

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

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

**114/24 – F/18680/23 – 15 Scud Hill -- Proposed refurbishment and extension to residential property.**

CAM confirmed that whilst there had been some conversations with the architect and they had listened to their recommendations, there are a couple of streetscape features that the Trust are not entirely happy with including the introduction of Juliet balconies on the second floor of the front façade of the building and the roofscape of the additional floor has a false gable to disguise it from the streetscape which could be set back further because presently it is still visible and changes the appearance of what is a traditional building. CAM went on to confirm that otherwise they had worked hard to accommodate the concerns of the Trust.

The Commission agreed with the points raised by CAM and agreed with the Chairman's suggestion that the application is approved in principle, subject to the applicant submitting revised plans to address the two points, which would be ratified at Subcommittee prior to any Planning Permission being issued.

**115/24 – F/19046/24 – 9 Cannon Lane -- Proposed single storey set back extension to the current fifth floor to include an additional suite to hotel accommodation.**

MEEC requested that a condition is included requiring the integration of swift nests within the development and mentioned that there is a campaign in the UK which has gone all the way up to the Secretary of State to include swift nests in developments and they are using Gibraltar as an example as to how they can be integrated within urban settings.

The Chairman confirmed that the requirement for integrated swift nests would be included as a condition on the Planning Permission.

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

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

**116/24 – F/15607/18 – Ground Floor 7 and 9 Town Range -- Proposed retention of water cistern.**

*Consideration of request to renewal Planning Permission No. 6732A.*

**117/24 – F/16198/19 – First, Second, Third and Fourth Floor Apartments, 5 Town Range -- Proposed minor alterations to layout of apartments 1b, 2b & 3b and subdivision of a three-bedroom apartment at fourth floor into two x apartments.**

*Consideration of request to renewal Planning Permission No. 7203A.*

**118/24 – F/16280/19 – Fifth and Sixth Floor, 5 Town Range -- Proposed alterations to layout of duplex penthouse including eco-terrace and installation of photovoltaic panels on roof.**

**Consideration of request to renewal Planning Permission No. 7210A.**

**119/24 – F/17843/2126 Prince Edward's Road -- Proposed alterations and extension to residence.**

**Consideration of revised colour scheme following Sub Committee recommendations.**

**120/24 – O/18227/22 – 7 South Barrack Mews, South Barrack Road -- Proposed rear extension and pool terrace.**

**Request to extend Outline Planning Permission no.8525.**

**121/24 – O/18403/22 – Villa 1, 14 Gardiner's Road – Proposed refurbishment and side extension to dwelling.**

**Request to extend Outline Planning Permission no. 8564.**

**122/24 – F/18876/23 – 10 City Mill Lane -- Proposed installation of a glass conservatory to the terrace, as well as the installation of a canopy and the extension of the existing shed to the roof level.**

**123/24 – F/18946/23 – 11 The Sails, Queensway -- Proposed installation of glass curtains and renovation of existing terrace floor decking and tiles.**

**124/24 – F/19038/23 – Unit 2 and 5, 11 Castle Street -- Proposed refurbishment of restaurant and alterations to improve access from restaurant to toilet area at the rear of the property.**

**125/24 – Any other business**

No other business was raised by Members.

The meeting concluded and the next meeting was confirmed for 27<sup>th</sup> March 2024.

**Chris Key**

**Secretary to the**

**Development and Planning Commission**