

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 6th meeting of 2024 held remotely via video conferencing on 25th April 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 H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr K De Los Santos (KDS)
(Land Property Services)

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

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety Group)

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

In attendance:

Mr C Key (CK)
(Deputy Town Planner)

Mr J Celecia
(Minute Secretary)

Apologies:

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

Approval of Minutes

143/24 – Approval of the Minutes of the 3rd meeting of 2024 held on 29th February 2024, Approval of the Minutes of the 4th meeting of 2024 held on 21st March 2024 and Approval of the Minutes of the 5th meeting of 2024 held on 27th March 2024.

JH confirmed that she had submitted comments in respect of the minutes of the third meeting held on the 29 February 2024. JH confirmed that she had no comments in respect of the fourth meeting held on the 21 March 2024 and that she hadn't finished reading the minutes of the fifth meeting held on 27 March 2024 and that she would send any comments she had on these minutes through as soon as possible.

The Chairman suggested that the minutes for all three meetings to be approved in principle and that any changes by JH would be circulated to Members to ensure that there are no issues. There were no objections from Members to the Chairman's recommendation.

The draft minutes of the 3rd, 4th and 5th meetings were approved subject to the changes that were to be circulated to all Members.

Matters Arising

None

Major Developments

144/24 – MA/19061/24 – 9 Devil's Tower Road, 5 Lady Williams Close -- Proposed construction of an aparthotel.

Consideration of minor amendments including:

- *updates to ground floor layout including occupiers lounge area;*
- *updates to first floor layouts including reduced area and changed layout to communal toilets and additional offices in approved occupier's lounge which has moved to the ground floor;*
- *minor internal layout changes in some apartments throughout building;*
- *added plant area at eleventh floor; and*
- *change of colours to the façade of the building.*

CK advised the Commission that the first two items on the agenda are not major developments, per se, but they do relate to a major development and that is why they are being considered under this section of the agenda.

CK advised the Commission that this application related to Minor Amendments to the approved scheme currently being constructed at 9 Devil's Tower Road and Lady Williams Close which had obtained full planning permission in April 2018 and had obtained a Supplemental Planning Permission for initial Minor Amendments in April 2023.

CK advised the Commission that the proposal involves several minor amendments to the approved scheme including alterations to the internal layout of the ground and first floors, as well as modifications to some apartment layouts, including the subdivision of larger apartments, resulting in an increase of seven apartments in the development from a total of 215 to 222. CK also confirmed that other minor amendments being applied for included changes to the eleventh floor to establish a new open plant area to be screened by planters as well as amendments to the façade design including revisions to the cladding colors a change in balustrading from clear to opaque the removal of the approved Citihome sign and revisions to fenestration to introduce Juliet balconies on smaller windows.

CK confirmed that notice of the application had been served on LPS and during the five-day statutory public participation period that is subject of all applications, four sets of representations were received, whilst a further three sets of invalid objections were received outside of this period and cannot be considered by the Commission.

The Chairman invited Anne Durand (AD), one of the objectors, to address the Commission.

AD expressed her concerns regarding various aspects. Firstly, AD had scrutinized the scale of the initial proposed development, emphasizing the lack of clarity, particularly regarding the extension. AD pointed out the insufficiency of car parking space relative to the development's occupancy and had raised concerns about a potential change of use associated with the Minor Amendment as estate agents are marketing the property as a residential building with apartments for sale as opposed to an aparthotel with serviced apartments on a buy to let basis. Additionally, AD opposed the addition of the proposed 12th floor (although this related to the next item on the agenda). AD expressed concern about the numerous amendments made to the original application, noting that the building had expanded from its original proposal. AD believed that the design should complement the rock view and expressed concern that she anticipated that the additional units would worsen congestion and parking issues on Lady Williams Close. AD highlighted potential privacy concerns for residents of Filomena House due to enlarged windows, glare, and the plant area. AD predicted that the Minor Amendment would obstruct sunlight for residents of Filomena House. Lastly, AD argued that the Minor Amendment would result in a loss of greenery compared to the original application.

After a delay due to technical issues the Chairman invited Stephen Martinez (SM), the applicant's representative, to address the Commission.

SM conveyed that the Minor Amendment had been provided to the Management Company at Filomena House. SM highlighted the scarcity of space in Gibraltar and advocated for the welcomed increase in residential properties within the same spatial constraints. Emphasizing the market demand for residential properties in Gibraltar, he discussed the inclusion of an additional 12th floor, asserting its compliance within the Obstacle Limitation Surfaces (OLS). SM also mentioned the incorporation of three green areas and planters on the ground floor and concluded by stating his ongoing communication with consultees, including the Management Company of Filomena House, and addressing concerns pertaining to the proposed development. The Chairman advised Members that both AD and SM had strayed into matters which were relevant to Item 2 and that Members needed to focus on the Minor Amendments, however, they should bear in mind the comments that had been made when Item 2 is considered. CK provided a summary of the consultee responses confirming that the

DoE had no additional comments, and that the MfH and the TSD had raised no objections to the Minor Amendments.

CK provided the TPD assessment of the application confirming that there were no objections to the proposed minor amendment, that they were not expected to result in any harmful changes and were compliant with all relevant planning policies. CK acknowledged residents' concerns regarding noise and noted that full details of plant equipment were not included in the plans and recommended that it should be conditioned that the final plant details need to be submitted to the TPD for approval and any noisy equipment should be placed closest to the central stair core, furthest away from Filomena House.

CK noted that the ground floor planters and planters by the plant area were included on layout plans but omitted from elevations and that this had been raised with the architect who had confirmed in writing that the planters were to be retained, and revised plans including these features needed to be submitted prior to a Supplemental Planning Permission being issued if the Commission were minded to approve the Minor Amendments.

CK also advised the Commission that whilst representations had been submitted most of the issues raised by objectors were not relevant to this planning application and are intended for the application which is the next item on the agenda stressed that the applicant is within their rights to submit a Minor Amendment application and that the TPD considers that the proposed amendments to be minor in nature within the context of the original application.

CK recommended that the Minor Amendment should be approved subject to revised plans being submitted prior to the Supplemental Planning Permission being issued the and subject to conditions including full details of the colored parapet glass to be submitted to the TPD for approval as well as final details of equipment to be installed in the plant area to be submitted for approval with noise-generating equipment to be positioned by the stair core (furthest distance away from Filomena House) as well as all other relevant conditions from the last Supplemental Planning Permission being transposed to the new supplementary permit, along with other standard conditions deemed appropriate to manage the development.

The MEEC raised concerns about the open design of the plant area and its visibility from various areas, including the Upper Rock Nature Reserve. MEEC suggested the potential for visually screening the plant area and emphasized the positive visual impact of adding a green roof.

In response, SM explained the necessity of having a generator and justified its open placement with acoustic insulation as the optimal choice for the development. SM also noted the presence of the smoke extraction system in the open plant room. and underscored the priority placed on minimizing visual impact during the design process and assured that all comments are carefully considered and investigated.

The Chairman clarified with MEEC that he was seeking the roofing over of the plant area with the incorporation of a green roof and the sides could be ventilated. MEEC confirmed that this could be one option and it is up to the applicant to propose an option to screen the plant area from above and the sides.

JH queried the removal of existing trees as part of the proposed development. SM clarified that any trees on the site were removed and will be replaced and mentioned plans to plant trees in the space between the application site and the Multi Storey Car Park which are now up in the air and that there is potential to plant trees additional trees in the corner of the building close to Filomena House, along with the inclusion of planters. SM further stated that landscaping of public areas will be integrated into the project.

The Chairman confirmed that the removal of the trees was approved as part of the original scheme and that the compensation was the planting of trees between this site and the Multi Storey Car Park and that if the applicant is no longer able to do that then they will need to come back with an alternative landscaping proposal, and this will need to be agreed at that point.

The Chairman advised Members that he considered that the point raised by MEEC regarding the screening of the plant area is a valid one and the recommendation should be to approve the application subject to the submission of a suitable scheme being submitted to screen the open plant area and that this would be determined at Subcommittee level before a Supplemental Planning Permission is issued.

The application was unanimously approved subject to the submission of the scheme to screen and green the open plant area for approval at Subcommittee level prior to a Supplemental Planning Permission being issued and permission to include the conditions set out in the TPD report.

145/24 – F/19084/24 – 9 Devils Tower Road, 5 Lady Williams Close -- Proposed twelfth floor extension over part of the building footprint

CK reconfirmed to the Commission that this application related to the ground plus 11 storey apart-hotel that will provide 222 units following the approval of the Minor Amendment just determined by Members which is currently being constructed at 9 Devil's Tower Road and Lady Williams Close.

CK confirmed that the proposal includes the addition of a 12th storey on the southernmost part of the site to provide an additional six units to the aparthotel resulting in an overall height increase of 3 meters from the last approved planning permissions, reaching a total height of 39.50 meters. CK confirmed that to mitigate visual impact, setbacks are planned on the DTR frontage to create private terraces, with an approximate setback of 2.5 meters as well as the relocation of photovoltaic panels from the previously approved scheme to the roof of the proposed 12th floor.

CK confirmed that a Solar Glare Study has been submitted and cleared by the DCA and modifications to refuse provision within the already approved bin store are also included within this application.

CK confirmed that the application has been subject to public participation and notice of the application was served on Filomena House Management Company. CK confirmed that a total of five sets of representations were received and that one of the objectors, Anne Durand (AD) had wanted to address the Commission and had mentioned many of her points when addressing the Commission during the consideration of the last item on the agenda.

The Chairman asked AD whether she had anything additional she wanted to add to what she had already stated. AD confirmed that she had covered all the points that she wanted to raise. The Chairman also asked Stephen Martinez (SM) if he had anything further to add. SM confirmed that he had nothing further to add.

CK provided a summary of the consultee responses confirming that the DoE has cleared the revised refuse provision and has requested the submission of a predictive EPC for the additional floor, whilst the DCA had initially objected to the application due to an OLS breach, however, upon review of the revised plans, the DCA had confirmed that they are content for planning permission to be granted subject to a condition requiring the developer to address any aeronautical issues that may arise following the installation of the photovoltaic panels. CK confirmed that the MfH and TSD had raised no objections to the proposed development.

CK provided the TPD assessment of the application confirming that there were no objections to the proposed extension as it occupied a smaller footprint than the building below and was confined to the southernmost portion of the building, that the design of the additional storey replicated that of the development below and the setback on the south elevation was considered to minimize visual impact when viewed from Devil's Tower Road and that the TPD consider that the design successfully achieves this..

CK acknowledged the objections to the development and noted that whilst the application represents a modest increase in the total number of units (6) there has been a total of 28 additional units since full planning approval for the aparthotel was granted (200), amounting to a 14% increase in the total number of units since approval. The TPD does not consider that the increase in occupancy will result in any negative consequences to the amenity of the surrounding area as the units are provided as part of an aparthotel and are not full residential units.

Additionally, CK did not foresee a significant loss of privacy or light resulting from the additional storey, given its small footprint and that overall, the extension is not considered to result in any unacceptable harm and complies with relevant planning policy and on this basis.

it should be recommended for approval subject to conditions requiring the developer to address any potential aeronautical issues that might arise following the installation of the PV panels, submission of a fire strategy report and a predictive EPC for the additional storey and other standard conditions deemed appropriate to manage the development and transposing any relevant conditions from the Supplemental Planning Permission for the wider scheme to ensure consistency.

CAM considered that the objectors brought up valid concerns regarding parking and the availability within the extension of that as there are only three parking spaces for the whole complex and the 14% increase in units will create issues in the surrounding area, and whilst there is the Multi Storey Car Park next door it is subject to its own works and also queried whether the extension will require a larger plant area.

The Chairman confirmed that in respect of the parking, the application was approved on the concept that it was an aparthotel and in the original scheme there were three parking spaces which formed a car club and that the additional units would not make a lot of difference to that.

CAM made reference that the units that form the aparthotel are being made available for sale as apartments and studios and not as an aparthotel and there is a disconnect being what the applicant is informing Members and what is happening.

SM clarified anybody can purchase the units and their legal use is defined as an aparthotel/serviced apartments so that they can let them but not use them as a permanent residential address.

The Chairman emphasized the TPD would need to take this matter up with the applicant outside the meeting as it is not very clear, and questioned whether additional plant space would be necessary.

SM confirmed that no additional plant space would be required.

The MEEC reiterated concerns about the adequacy of car parking spaces, particularly highlighting that the initial design was intended for an aparthotel. MEEC requested further clarification regarding the legal use of the proposed development.

GM expressed confusion regarding the allocation of car parking spaces, echoing the MEEC's concerns and requested clarification on the intended use of the development. GM specifically noted that the increase in the number of units did not align accurately with the number of car parking spaces provided.

MICS agreed with GM and raised concerns regarding the accommodation details found on the development website that they can be rented for up to a year and that if someone was going to rent for up to a year, they would want access to a car parking space.

The Chairman confirmed that given the concerns raised by Members, the application would need to be deferred to seek clarification from the applicant in relation to what is happening in respect of the proposed uses of the building, and this will be reported back to Members. The Members unanimously agreed to defer the application on this basis.

Other Developments

146/24 – F/18330/22 – Flat 1, 6 Gavino's Passage -- Proposed change of use of a garage to an office space.

CK provided an overview of the application site which comprises a small private garage with ramp access which is currently used as an outhouse to a dwelling within the Gavino's Passage complex. CK confirmed that the garage measures 2.2m wide x 5.2m in depth, which falls short of the minimum space standards for a car parking space (2.4m wide x 4.9m deep). CK confirmed that the proposal comprised the change of use from the garage to an office and that the only external change is the installation of a sign to advertise the business.

CK confirmed that notice of the application had been served on LPS and the Management Company and that no representations were received.

CK provided a summary of the consultee responses that had been received confirming that the DoE had requested the submission of a predictive EPC and that the Gibraltar Heritage Trust

(GHT) had expressed concern over the loss of the garage considering that it was contradictory to past heritage insensitive alterations that took place in the estate without permission in order to provide additional on-street parking for residents. CK confirmed that the MfH, MoT, and the TSD raised no objections in respect of the proposal.

CK provided the TPD assessment of the application, informing the Commission that the application had been referred to the DPC by the Subcommittee as there had been no consensus in determining the application. CK advised that whilst the TPD generally seeks to avoid the loss of private garages and car parking spaces, in this instance the width of the garage does not comply with minimum dimensions for a car parking space and the clearance height of the garage appears low, rendering it impractical for use and that in view of this, and that the proposed use is an office, which is a use that is generally welcomed in the Old Town, in this instance the TPD consider the proposed change of use to be acceptable.

CK concluded that the recommendation of the TPD is to approve the application subject to conditions including the requirement for the applicant to submit signage details and a predictive EPC.

CAM clarified the Trust's position that there had been the removal of all the historic curbstones within the Gavino's Passage area without permission, to increase on street parking. CAM went on to confirm that they had promised to put back some of the curbstones and they have not been put back some two to three years later and they remain on the side of the passage and the Trust's view is that the proposal will compound the parking problem in the area and the application should not be approved.

The Chairman motioned for a vote on the application.

In favour – 9

Against – 2

The application was approved by majority vote.

CAM asked the Chairman when the enforcement action on putting the curbstones back will be taken as agreed with the TPD after the illegal works were reported. The Chairman confirmed that the TPD will investigate this.

147/24 – F/18538/22 – 3A Gardiner's Road -- Proposed demolition and redevelopment of dwelling into apartments

CK confirmed to Members that the consideration of this application had been deferred in order for the applicant to submit additional information in respect of geotechnical requirements and sewerage matter.

148/24 – O/18952/23 – Garrison House, 3 Library Ramp -- Proposed one storey extension including roof terrace with green roof and photovoltaic panels and new lift in light well.

CK informed the Commission that the site consists of a three-storey office building with traditional timber fenestration located on the north side of Library Ramp which has four-storey buildings toward Governor's Street end and three-storey buildings moving eastward, some of which include pitched roofs. CK confirmed that the building has a light well on the

western side which provides light to Garrison House and the adjacent property and that both properties have windows facing the light well at all levels as well as a lightwell on the eastern side of the building. CK informed the Commission that the building currently accommodates 22 existing office rooms and four large undesignated rooms and is located opposite the Listed Garrison Library and Gardens.

CK provided a summary of the proposed development informing the Commission that the applicant had initially submitted proposals for a two-storey extension to the building to provide 10 x residential units (comprising two x one-bedroom units and eight x studios) with a communal roof terrace and the incorporation of non-traditional fenestration features including columns on the Library Ramp façade of the building. CK confirmed that the TPD had concerns regarding the height, scale and elevational treatment of the initial proposals and that the applicant had subsequently submitted revised plans to address the TPD's concerns.

CK outlined that the revised scheme proposes a single-storey extension to accommodate an additional 12 x office units, featuring traditional fenestration to match the lower levels of the existing building and included a flat roof terrace with a parged parapet wall and iron railings, along with an extensive green roof, integrating photovoltaic panels and HVAC units, which is to be used for maintenance purposes only. CK also set out that the revised scheme included the installation of a lift in the eastern light well, extension of the communal staircase to access the new level and roof terrace with a collapsible glazed skylight finish as well as the provision of a bicycle storeroom at ground floor level to store up to five bicycles.

CK confirmed that the application had been subject to public participation and one objector had submitted representations in respect of the initial and revised schemes.

The Chairman invited Elie Osbourne (EO), the objector, to address the Commission.

EO pointed out that even though the scheme had been revised and that they do welcome the changes that have been made to relocate the lift and reduce the height of the extension, the height is harmful to the occupiers of all the flats in 2 Gavino's Court. EO set out that he considers that the increase in height will significantly reduce light but would also increase overshadowing and increase noise pollution and a number of claims made by the agent are incorrect as there would be overlooking and loss of privacy to all flats in the building and that any new windows should be obscured and non-opening if the application is to be approved in order to ensure that privacy is maintained. EO also referred to the roof terrace, they would like to ensure that it is not used for events or gatherings.

The Chairman invited SM on behalf of the applicant to address the Commission.

SM assured the Commission that the roof terrace would not be utilized for recreational purposes and would be used for maintenance purposes only and he reiterated the revised scheme, which involved relocating the lift shaft to a different light well, reducing the height of the extension, and maintaining the office use throughout the building addresses the concerns that have been raised.

JH sought clarification regarding the objector's privacy concerns.

SM explained that the position of the proposed windows remains consistent with the original design and confirmed that if obscured glazing is required this can be accommodated.

EO responded to SM's comments and requested that if this application is going to be approved the windows are set back significantly to increase light in the lightwell and that any new windows should be obscured and non-opening unless they are perpendicular or above eye level when they can be openable.

CK provided a summary of the consultee responses that had been received confirming that the DOE had provided standard requirements, including the necessity for bat and bird nesting sites whilst the GHT had acknowledged the amended scheme as a significant improvement over the original, which they deemed to be an overdevelopment of the site. CK confirmed that the GHT had emphasized the importance of ensuring that all new fenestration matches the existing and is consistent with the Old Town aesthetic. CK also informed the Commission that the MfH had raised concerns about the original plans on the basis that it did not sit comfortably in the street scene, however, they had since confirmed that they had no objections to the revised design. TSD also initially had concerns regarding the two-storey extension but had since confirmed that they had no technical or architectural objections to the revised scheme.

CK provided the TPD assessment of the application confirming that whilst they acknowledge the points raised by the objector, the TPD has carefully assessed the revised scheme and considers that it is a sympathetic extension in line with the parameters outlined in the Old Town Plan and Design Guide and integrates within the Library Ramp streetscene and that the proposed fenestration was now deemed to be acceptable.

CK set out that the TPD welcome that the applicant has relocated the lift to the other lightwell and whilst the proposed windows at the extended level facing the objector's property comply with the Building Regulations, to ensure amenity concerns are addressed the TPD recommend that new windows facing the light well are fixed with opaque or frosted glazing with any opening part being above eye level.

CK confirmed that the TPD welcomes the initial sustainability elements that have been incorporated into the scheme and the applicant's confirmation that the roof would only be accessed for maintenance purposes.

CK welcomed the dialogue held with the applicant to amend the proposals and that the discussions had resulted in a scheme that the TPD could support.

CK mentioned that the only concern is the two-tone color scheme on the elevations of the building and that the TPD consider that the extension should match the color of the host building and recommended that this should be conditioned if the outline application were to be approved.

CK recommended approval of the application subject to conditions including the submission of a sustainability and renewables statement along with an EPC in support of the full application as well as the provision of integrated bat and bird nesting sites, final details of green roofs and photovoltaic panels, that fixed opaque or frosted windows should be installed facing the light well at the fourth-floor level that can only be openable above eye level, that the extension was to match the color scheme of the rest of the building that timber windows and shutters were to be used in the extension, and the roof was to be used for maintenance purposes only.

The application was approved unanimously subject to the conditions set out in the TPD's report.

149/24 – F/18999/23 – St. Paul's Church, Varyl Begg -- Proposed extension into the southern patio area to create a parish hall and ancillary rooms.

CK outlined that the site comprises an open patio area south of St. Paul's Church which is bound by the Montagu Crescent Estate to the east, St. Paul's School to the south, Varyl Begg Road and the Westside and Bayside Schools to the west. CK went on to confirm that the open patio area contained a storeroom in the southeast corner, along with some potted plants and three trees—a Weeping Fig, a Japanese Pittosporum, and an Italian Cypress that would be affected by the works but were not the subject of Tree Preservation Orders.

CK outlined that the proposed development comprises a two-storey side extension to expand the existing church, which was constructed in the 1970s into the southern patio area. CK went on to confirm that the extension sought to accommodate a parish hall at the ground floor level, along with a secondary parish hall, a choir loft overlooking the existing church floor, and ancillary storage space on the second floor. CK advised that the parish hall's floor space was designed to be flexible, serving various parish activities, events, and wider community functions and that the extension included windows on the property boundary with St. Paul's School.

CK confirmed that the application had undergone public participation, and the applicant had served notice of the application on LPS, Montagu Crescent Management Company and St. Paul's School and that no representations had been received.

CK provided a summary of the consultee responses that had been received confirming that the DOE had no objections to the application but recommended the installation of photovoltaic panels and emphasized the necessity of incorporating bat and bird nesting sites, along with conducting surveys before commencing any works. CK advised that the GHT had not raised any objections to the proposal and, had noted that the sympathetic design of the proposed extension aligned with the original conch shape concept of the church and that the MfH had no objections subject to an Archaeological Watching Brief taking place during groundworks. CK confirmed that the TSD did not object to the proposal and that the Department of Education had not provided comments on the application despite being consulted.

CK provided the TPD assessment of the application stating that there were no objections to the provision of additional community space through the expansion of the existing facility and that the provision of a parish hall and choir loft as ancillary uses to the existing church are considered to be justified community needs. CK noted that the existing building is an example of 1970s architecture with the most prominent feature being the angular roof over glazing and that the proposed extension had been designed to seamlessly integrate into the existing structure by replicating its architectural style.

CK went on to confirm that the TPD had no objections to the encroaching windows in this instance as the applicant had obtained written consent from the adjacent St. Paul's School. CK advised that whilst the proposals would have affected three trees on the site, the DOE had assessed and approved the proposed tree works, and the applicant has proposed to relocate all

trees under the guidance of their consultant, Eden Botanicals, with some trees earmarked for relocation to the playground of St. Paul's School. Notwithstanding this, CK noted that the details submitted by the applicant in relation to trees and landscaping were relatively vague, and the TPD recommend that any Planning Permission granted should be conditioned to require the submission of a detailed landscaping strategy, including final details of tree works to be submitted for approval, prior to the commencement of these works.

CK also advised that Policy ENV12 of the GDP requires developers to plant two replacement trees for every existing tree lost and the application should be further conditioned to require the applicant to plant two replacement trees if any of the existing trees do not survive replanting.

CK recommended that the application be approved subject to conditions requiring a detailed landscaping strategy prior to landscaping works commencing, additional tree planting if any trees do not survive replanting, investigation of the feasibility of installing photovoltaic panels on the roof of the extension, an Archaeological Watching Brief, and other standard conditions.

JH considered that the extension had been designed very sensitively, was heartened to hear about the trees and the landscaping provided and enquired about the potential to include renewables within the development.

Paul Passano (PP) the architect, explained that renewable solutions hadn't been thoroughly explored at this stage, but mentioned the feasibility of implementing greywater harvesting for irrigation.

MEEC expressed support for the statement on trees and that the DoE would keep an eye on it, that the scheme has been cleared with the Department of Education and St Paul's School are satisfied on condition that any encroaching windows facing the school are opaque windows.

The application was unanimously approved, subject to the conditions outlined in the TPD's report and the additional condition for the west facing windows to include obscured glazing.

150/24 – F/19033/24 – 7 Red Sands Road -- Proposed addition of new canopy roof to padel courts with aluminum frame and canvas cover.

CK advised that the site comprises the existing two padel courts situated in a south-southwest direction at the southern extent of the Gibraltar Sandpits Lawn Tennis Club located on Red Sands Road. CK confirmed that Padel Court 2 is located at the eastern end of the site's southern extent and sat on a higher elevation, whilst Padel Court 1 is located on the western end at a lower elevation and that the difference in floor levels is approximately 1.8 meters.

CK confirmed that the site is located to the south of the vegetated slopes of The Alameda - Gibraltar Botanical Gardens and to the east is a densely wooded area beneath the Europa Road and the Upper Rock Nature Reserve. CK confirmed that to the south of the site is the Knights Court social rented accommodation and the west, it faced St Josephs Road, the mono-pitched roof of the Anglo-Hispanic building, and Sandpits Mews. CK confirmed that the site forms an integral part of the vista visible from the southern visitor path of the Alameda Gardens, as well as from various locations in the Upper Rock Nature Reserve, including the Windsor Suspension Bridge and is also visible along St Josephs Road, albeit the site is partially screened by trees.

CK advised that the proposed development involves the installation of a white canvas roof canopy over the two padel courts, supported by an aluminum structure in line with recommendations from the Lawn Tennis Association. CK identified that the design includes a single unified roof level with an arched top with varied eaves heights and that the top arch adapts to the differences of the relative elevation between the two courts. CK confirmed that the internal eaves height for Padel Court 2 was 6 meters, whilst for Padel Court 1 it was 7.9 meters, with the relative height of the top arches reaching 9.7 meters.

CK outlined that the scheme also involved the pruning of trees around the proposed canvas canopy roof structure and outlined that the rationale behind the project was to address issues arising from the orientation of the existing padel courts, provide shelter from both the sun and rain, and extend the usability period of the courts throughout the year.

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

CK provided a summary of the consultee responses that had been received confirming that the MfH had initially requested a Visual Impact Assessment (VIA) which, upon review, led to their satisfaction with the outcomes of the analysis that had been undertaken and that they can support the applicant's preferred choice of installing a white canvas. CK also advised that the TSD had no technical objections and whilst they initially had concerns with the size, height and proposed white color of the roof structure, following the submission of the VIA they maintain their concerns regarding the size, height of the roof structure as well as the applicant's preferred white colour finish and consider that the applicant should try and integrate the structure with the surrounding environs of the botanical gardens and a mere change of colour is not adequate.

CK provided the TPD assessment of the application confirming that the TPD initially had concerns with the white roof canopy, as they consider that it was not visually sympathetic to the vegetated backdrop of The Alameda and the Nature Reserve. CK confirmed that the TPD engaged with the architects to explore the visual impact of the proposed development and requested alternative colour options to assist with better integrating the roof canopy into its surroundings.

CK advised that the applicant subsequently presented four different options in an addendum which had been circulated to Members and that the TPD had reviewed these options in the context of the site and the cumulative impacts of approved developments – including darker pitched roofs to be installed on Knights Court and St Johns Court, as well as existing green roofs in the area and consider Option 4 (all green) is the most suitable choice for the location. This decision was on the basis that the proposed green canopy roof element would blend in with the surroundings for receptors of longer distance views and identified key view receptors, while the green side elements will be in keeping with the backdrop of The Alameda and surrounding greenery when viewed from St. Josephs Road with a degree of permeability provided by the green screen mesh.

CK acknowledged the architectural concerns of the TSD regarding the mass and height of the structure, however noted that the TPD considers that the mass of the roof canopy would be partially obscured by existing tree canopy coverage along St Joseph's Road and the overall

concept reads as a staggered structure in the context of St. Josephs Road with a degree of permeability provided by the green mesh screen.

CK set out that the TPD consider that the proposed development would lead to a sports facility being able to be used all year round in accordance with LTA requirements and would limit evening light pollution and confirmed that the TPD considers that canvas tented structures are often found in ,or close to, gardens they are not uncommon and there is a similar situation at the Rock Hotel and there would be a limited precedent as other padel courts in Gibraltar have been built in the correct orientation.

CK noted that whilst the TPD acknowledge the concerns regarding increased energy costs associated with a green canvas roof, this could be offset by installing photovoltaic panels on the flat roof of the storeroom and club buildings or through powering floodlights by smaller photovoltaic installation by the courts and linked directly by them.

CK confirmed that overall, the TPD recommended that Option 4 should be approved with conditions requiring the applicant to consult with the DoE regarding the pruning of trees before commencing the works and requiring the applicant to explore the feasibility of installing photovoltaic panels to offset the energy demands of the roof canopy.

There was a long discussion where several Members raised concerns regarding the visual impact of the proposed roof canopy and the impact that it may have on existing tree canopies and roots. Members also raised concerns regarding the amenity impacts on the surrounding area including noise and drainage impacts because of rainfall.

The Chairman suggested that the application be deferred so that the applicant can explore alternative designs to reduce the visual impact of the roof canopy and assess the impact that a roof canopy structure would have on existing tree canopy coverage and root systems.

The application was deferred.

151/24 – F/19059/23 – Unit G26, Europa Business Centre Queensway -- Proposed minor internal and external alterations comprising of the removal of existing stairwell, creating a new entrance, relocation of existing palm and yucca trees, addition of a porta cabin and a ramp and relocation/re-incorporation of naval artifacts with associated alterations to existing premises/site.

CK explained that the site comprises an existing vacant warehouse in Europa Business Centre with access off Queensway, that was previously occupied by M&M Transport but is now vacant and that the applicant now planned to use it as a general warehouse.

CK confirmed that the building had a contentious history, having been constructed not in accordance with approved plans and that changes had been made retrospectively with Commission input to try and mitigate its impacts. CK also advised that the Commission had previously refused an additional warehouse on the adjacent site to the south and set out that one of the reasons for refusing that application was that the additional building would further obscure and screen the historic dockyard buildings.

CK advised that the scope of works included internal alterations including the removal of an existing stairwell and the addition of a WC, kitchenette, locker room, and restroom as well as

the removal and blocking up of the main entrance and access ramp on Queensway which was to be relocated to the northern extent of the warehouse within Europa Business Centre. Also proposed were the relocation of the existing palm and yucca trees and the installation of a portacabin serving as an office and storage facility to the north of the unit and the relocation and re-incorporation of naval artefacts.

CK confirmed that notice of the application had been served on LPS and Gibraltar Commercial Property Company Ltd and that no representations had been received.

CK provided a summary of the consultee responses that had been received confirming that the DoE raised no objections and had provided assessments for the trees on site advising that the Washingtonia should remain in its current location and that they had accepted the relocation of the yuccas requirements which the applicant had agreed to in writing whilst the MoT and TC expressed no objections to the proposed development and welcomed the new access arrangement, considering it an improvement over the existing situation. CK went on to confirm that the MfH expressed a lack of support for the present unit, suggesting that efforts should focus on enhancing the area's aesthetics and they believed that the placement of the porta cabin did not achieve this objective.

CK provided the TPD assessment of the application stating that the proposed works were deemed generally acceptable, that there was no objection to the relocation of the main entrance, or the agreed tree works provided there is a condition to ensure that they are undertaken in accordance with the requirements of the DoE. CK went on to state that whilst initially the TPD had concerns regarding the placement of the portacabin, on the basis that it would have further obstructed views of the historic warehouse buildings behind, upon raising this concern with the applicant, they had subsequently agreed in writing to omit this element from the proposed development.

CK recommended to Members that the application should be approved subject to revised plans omitting the portacabin being submitted prior to a Planning Permission being issued. CK went on to state that the Planning Permission should be subject to conditions, including requiring the Washingtonia tree to remain in its current location, finalizing tree works prior to these works taking place and agreeing on the final location of maritime features with the heritage bodies.

CAM retained the Trusts objection to the original building and subsequent changes and reinforced that they consider that the building shouldn't be there and as such they object to this proposed development as well.

The Chairman motioned for a vote on the application.

In favour – 8

Against – 2

Abstentions - 1

The application was approved by majority vote subject to the submission of revised plans prior to a Planning Permission being issued and the conditions set out in the TPD's report.

Minor and Other Works– not within scope of delegated powers

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

152/24 – F/15668/18 – Signal Hill Upper Rock Cable Car Station and Grand Parade Lower Station and Upper Rock Intermediate Towers -- Proposed demolition of existing upper and lower cable car stations and three intermediate towers and replace with new station buildings and two intermediate towers and installation new cable car system.

Consideration of request to renew Planning Permission No. 7922.

CF confirmed that the site is located within the Gibraltar Blast Zone and the developer needs to consult with the MOD before they finalise the design and requested that it should be conditioned on the Planning Permission that they consult with the MOD and adhere to recommendations, despite the site being shielded by the existing buildings at Humphries.

The renewal request was approved subject to the additional condition requested by the MOD.

153/24 – F/19081/24 – 2 South Walk, Europa Walks Estate -- Proposed minor alterations and refurbishment to premises.

This application was approved.

154/24 – F/19086/24 – Loreto Convent School -- Proposed refurbishment of the performance hall.

CAM requested that the window and shutter combination remains to retain the heritage value of the building and if the windows and shutters are to be replaced that these are to be done on a like for like basis. CAM also requested the location for the re-siting of the ironwork that is to be removed from the front entrance to the hall is agreed prior to any works commencing on that element of the scheme and the character of the proposed door should be in keeping with the character of the current door.

This application was approved subject to the recommendations made by CAM being included as conditions on the Planning Permission.

155/24 – F/19092/24 – Penthouse 1804, E1, 92 Devil's Tower Road -- Proposed installation of box awning.

This application was approved.

156/24 – F/19096/24 – Archbishop Amigo House, Glacis Estate -- Proposed installation of photovoltaic panels.

This application was approved.

157/24 – F/19125/24G – Macmillan House, Tank Ramp -- Proposed refurbishment works installation of external wall insulation and render, installation of new windows and a new mono pitch roof, installation of new open 'baskets' for the air conditioning units and dryline clothes and minor reparations for the patio.

GoG Application

This application was approved.

158/24 – F/19126/24G – Tankerville House, Tankerville Road -- Proposed refurbishment works installation of external wall insulation and render, installation of new windows and a new mono pitch roof, installation of new open 'baskets' for the air conditioning units and dryline clothes and minor reparations for the patio.

GoG Application

This application was approved.

159/24 – MA/18994/23 – House 2 The Arches, 11/2 South Barrack Road -- Proposed extension to building and new lift access.

Consideration of retrospective minor amendments including:

- ***modified accesses around lift areas and new terrace/flat roof.***

This application was approved.

160/24 – MA/19023/23 – House 3 The Arches, 11 South Barrack Road -- Proposed single storey extension to dwelling with new stairs and lift and ancillary works.

Consideration of retrospective minor amendments including:

- ***creation of a new family room as part of covered roof terrace.***

This application was approved.

161/24 – MA/19123/24 – North Gorge, Europa Road -- Proposed construction of an eco-sustainable residential development comprising 48 no. residential units, access roads, storerooms, extensive, landscaping and other associated site works.

Consideration of minor amendments including:

- ***updated design of house 40;***
- ***house 42 typology changed to a fig type without a lift;***
- ***houses 39 - 48 stairwell volume revised;***
- ***updated layout and terrace extension to house 9; and***
- ***perimeter screening along Europa Road added.***

JH asked to see the visuals of the proposed timber fencing to provide privacy and acoustic barrier to the site and confirmed that it looked tidy and would not impede views.

This application was approved.

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

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

162/24 – F/17860/21 – 6 Convent Ramp -- Proposed studio apartment with swimming pool and parking areas / garage for extended family use.

Consideration of application following Ministerial approval of parking arrangements.

163/24 – F/17985/22 – Units 1 and 2, 9 Hargraves Parade -- Proposed change of use from residential to storage use.

164/24 – F/17986/22 – Unit 3, 9 Hargraves Parade -- Proposed change of use from residential to storage.

165/24 – F/18530/22 - Glacis Estate -- Proposed installation of photovoltaic panels on the roof areas.

Consideration of Aeronautical issues to discharge Condition No. 2 and Condition No.4 of Planning Permission No. 8793A relating to glare and glint issues on the Airfield.

166/24 – F/18548/22 – 36 City Mill Lane -- Proposed barber shop.

Consideration of completed facade works retaining timber fenestration.

167/24 – F/18680/23 - 15 Scud Hill – Proposed residential refurbishment and extension.

Consideration of revised plans omitting Juliet balconies and reducing top floor overhang as requested by the Commission.

168/24 – F/18727/23 –29 Admiral's Place, Naval Hospital Road -- Proposed erection of pergola on rear patio.

169/24 – F/18779/23 –115 Main Street -- Proposed refurbishment of shop premises, including new signage and shop-front.

170/24 – F/18791/23 –240-248 Main Street -- Proposed refurbishment of external building facades, including installation of new render, removal of redundant services and installation of new windows and shutters.

171/24 – F/18817/23 – Cloister House, 1 Fountain Ramp -- Proposed full facade renovation on both northern and western elevations including the refurbishment of all existing balconies, window and shutters.

Consideration of revised plans following site meeting with Town Planning and heritage bodies.

172/24 – F/18958/23 –12/13 Trafalgar House -- Retrospective application for amalgamation of two residential units.

173/24 – F/18962/23 – 54 Governor's Street -- Proposed amalgamation of two units and change of use from shop (Class A1) to food and drink (Class A3).

174/24 – F/18985/23 – 203 Express Lodge, Mons Calpe Mews -- Proposed installation of glass curtains and internal alterations.

175/24 – F/19002/23G – Knights Court, Upper Witham's Road -- Proposed refurbishment works including installation of external wall insulation and render, enclosure of roof terrace to make way for clothes drying areas, construction of new bin store and relocation of motorcycle spaces, replacement of old windows and provision for relocating air conditioning units to proposed balcony 'baskets' on west façade of building.

Consideration of colour scheme and sense of place considerations to discharge Condition No. 2 of Planning Permission No. 8823.

176/24 – F/19035/23 – 10 Library Gardens -- Proposed ground floor conservatory extension and ancillary works to residence and new courtyard access points.

177/24 – F/19038/23 – Unit 2 And 5, 11 Castle Street -- Proposed refurbishment of restaurant.

Consideration of proposed signage

178/24 – F/19055/24 – 101 Mayflower, 41 Both Worlds, Sir Herbert Miles Road -- Proposed minor alterations to form a new covered terrace.

179/24 – F/19056/24 – House 4, Woodford Cottage, 22 Europa Road -- Proposed rear alterations to existing dwelling including plunge pool, terrace on ground floor with a wraparound balcony and side enclosure at first floor.

180/24 – F/19060/24 – 1204 Ocean Spa Plaza, 17 Bayside Road -- Proposed installation of glass curtains.

181/24 – F/19064/24 – Flat 13, 52 St. Jago's, Town Range -- Proposed extension of residential dwelling onto covered patio.

182/24 – F/19072/24 – Triangular Area adjacent to The Anchorage -- Proposed provision of new GEA infrastructure to facilitate the previously approved swimming pool modification to parking layout and relocation of lamp post.

183/24 – F/19076/24 – 26-30 Town Range – Proposed internal works and external alterations.

184/24 – F/19077/24 – 46 Gardiner's View, Europa Road -- Proposed extension to kitchen, removal of small balcony, installation of air conditioning and replacement and upgrade of existing windows and balcony doors.

185/24 – F/19091/24 – 242, Block 2, Water Gardens -- Proposed replacement of lounge and bedroom doors and windows and kitchen window with uPVC ones with external colour to match existing.

186/24 – F/19094/24 – 1 Trafalgar Heights, 50 Europa Road -- Retrospective application for the installation of glass curtains.

187/24 – F/19099/24 – 2 Trafalgar Heights, 50 Europa Road -- Proposed installation of glass curtains.

188/24 – F/19101/24 – Unit A Jumpers Building, Withams Road -- Proposed change of use from shop to gym including proposed signage.

189/24 – F/19112/24 – 52 City Mill Lane -- Proposed change of use from beautician (Class A1) to bakery (Class A3).

190/24 – F/19122/24 – 6 Gardiner's View, Europa Road -- Proposed installation of two x air conditioning units and associated screening.

191/24 – D/19066/24 – 3 Secretary's Lane and 12 Governor's Lane -- Proposed demolition of existing building.

192/24 – A/18756/23 – Unit 4, 4 Crutchett's Ramp -- Proposed installation of shop sign and projecting sign.

193/24 – A/19067/24 – Gustavo Bacarisas Gallery Balcony -- Proposed installation of banner to advertise Gibraltar Body Art Festival to be displayed between 13th – 21st April 2024.

194/24 – A/19100/23 – Opposite The Cathedral of Holy Trinity, Secretary's Lane -- Proposed installation of banner to advertise Ecofest 3.

195/24 – MA/18951/23 – North Gorge, Europa Road -- Proposed construction of an eco-sustainable residential development comprising 48 no. residential units, access roads, storerooms, extensive, landscaping and other associated site works.

Consideration of proposed minor amendments including:

- *displacement of Houses 26 – 28 westwards to observe more distance to the existing tree;*
- *design updates to House 40;*
- *design updates to bin store;*
- *internal layout update to House 12;*
- *definition of boundary wall rebuild between North Gorge and Buena Vista Estate; and internal layout of stores updated.*

Consideration of information to discharge the following conditions of Supplemental Planning Permission No. 8128D:

- **Condition No. 2 – pedestrian crossing details; and**
- **Condition No. 4 – external finish details for upper cladding of Buckthorn houses.**

196/24 – Any other business

No other business was raised by Members.

The meeting concluded and the next meeting was confirmed for 23rd May 2024.

Chris Key

Secretary to the

Development and Planning Commission