

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 9<sup>th</sup> Meeting of 2020 of the Development and Planning Commission held remotely via video conferencing on 29th October 2020.

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**Present:**

Mr P Origo (Chairman)  
(Town Planner)

The Hon Mr S Linares (MHYS)  
*(Minister for Housing, Youth and Sport)*

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

Mr E. Hermida (EM)  
*(Technical Services Department)*

Mr G Matto (GM)  
*(Technical Services Department)*

Mr I Balestrino (IB)  
*(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)*

## Approved

DPC meeting 9/20  
29<sup>th</sup> October 2020

Mr Viv O'Reilly (VR)

*(Rep Commander British Forces, Gibraltar)*

**In attendance:**

Mr P Naughton-Rumbo (DTP)  
(Deputy Town Planner)

Mr David Francis  
(Minute Secretary)

**358/20 - Approval of Minutes**

The Chairman apologised for the delay in circulating the previous Minutes. The Chairman also clarified that the previous Minutes would not be relevant to any of the items to be discussed on the day.

The approval of the minutes was deferred.

**Major Developments**

**359/20 - 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.**

DTP explained that the applicant has prepared a video presentation, which summarises the project and addresses the issues that were raised by the Commission at various stages through the whole process. He shared the presentation on screen with the members.

The Chairman asked the members if they had any questions.

JH made the Commission aware that the live public stream was not receiving any audio.

JH asked about the points previously raised about the Visitor Management Plan (VMP) and whether they will be tackled during the morning.

James Montado (JM) representing the Applicant said that he believed that the points had already been addressed but assured that they would be happy to deal with any concerns.

JH explained that they required more information about solutions regarding a management board that would include MH Blands, The Department of the Environment and others. JH required to know the composition of the board, how active it would be and how many times they would meet. JH said that for a VMP to be effective, it has to be ready from the word go.

***The Chairman apologised for the inaudible public stream and decided to take a thirty minutes recess to resolve the issue.***

The meeting re-commenced.

DTP informed the Commission that he was replaying the video presentation in order for the public to be able to view it.

The Chairman confirmed that JH's earlier comments to be recorded in the Minutes and that she would raise them again as the discussion unfolded. The Chairman then asked the members for their questions to the applicant.

CV sought clarification from the Chairman, as the application had already been granted an outline permission, to whether the conversation was to be held about the previously assigned conditions.

The Chairman confirmed that this was correct and reminded the Commission that a list of recommendations was previously circulated to the members, including conditions, which will

address issues like the VMP. These conditions were to be voted on during the course of the meeting.

DTP said that the application was submitted as a full planning application and had not been subject to the outline process. The Chairman accepted the correction.

The Chairman asked the members for further questions to the applicant. There were no further questions.

DTP shared a presentation to the members and briefly explained the planning report.

DTP explained the history of the application since its first submission in June 2018. In September 2018, there was an addendum to the environmental statement that had been submitted with the original application.

The application was then considered by the DPC in October 2018. They had reservations about the impact of visitors to the Upper Rock Nature Reserve and asked for the preparation and submission of a VMP before any decision was made.

In January 2019, the Applicant submitted a VMP together with a sewer report which assessed the condition of the sewer down from the top station. They also made some small design changes, in particular, the lift shaft to the upper station and the introduction of more landscaping on the lower station.

The application was then considered by the DPC in February 2019. The application was deferred mainly on the grounds that there were concerns on some of the figures and calculations used in the VMP. The Commission asked the applicant to review and update the management plan.

DTP continued to explain that in July 2020, the applicants submitted the current revised visitor management plan. They also introduced some small design changes, provided information on rock stabilisation, updated their sewer report and provided a report on landscaping and the introduction of the bat and swift boxes and bat nests.

DTP said a full environmental assessment was undertaken, which covered a number of topics. He also said the environmental statement found that there were no significant environmental effects subject to mitigation taking place.

DTP summarised the mitigation measures.

DTP said the main points of the mitigation were:

1. In terms of Archaeology and Heritage, a watching brief is required for both the demolition of the upper station and ground works for the lower station and proposed towers. There is also a requirement to carry out an inspection of the remains of Phillip II's wall and a building survey of Signal Hill Battery.
2. In terms of Landscape and Visual there are no mitigation measures proposed above those which have been designed within the project.
3. In terms of Socio-Economics and Community, the mitigation would consist of a construction environmental management plan, which would manage any

disturbance to residents and businesses and the guarantee that the access to the Upper Rock amenities remain open during construction.

4. In terms of Ecology and Biodiversity there are many measures but the most important points are the commitments to ensure that there is no net loss of protected habitat. Concerns about vegetation clearance will be mitigated by pre construction surveys to ensure that they are not removing protected plants. DTP said it is also worth noting that landscaping at the top station would not be formal landscaping but more natural and furthermore there are compensation measures in terms of restoring selected habitats within or outside of the Reserve. They are also providing plans to ensure that there is no adverse effects on the macaques along with monitoring programs for the macaques and local birdlife. There will also be a lighting design assessment submitted, mainly because of its potential effects on birds and bats but also it is an important consideration from the planning perspective and the visual impact it can have on the Rock. Finally, the transportation of materials will be achieved by means of the temporary ropeway from the Upper Station down to Black Strap Cove on Sir Herbert Miles Road in order to avoid using the road network.
5. In terms of Transport, the Construction Environmental Management Plan (CEMP) will manage aspects of road safety. DTP said the Technical Services Department would require further details concerning the temporary ropeway at Black Strap Cove and how it would impact parking, bus routes and through traffic. There would also be a construction travel management plan to manage traffic.
6. In terms of Waste and Material Resources, a waste management plan would be included to deal any waste issues during operation.
7. DTP said noise and vibration would be dealt with through the CEMP.
8. DTP also said the CEMP deals with the cumulative impacts on noise, dust, air quality, etc.
9. DTP confirmed that the Environmental Statement found no transboundary effects.

DTP reminded the Commission of the representations previously brought forward on the Environmental Statement and proceeded to summarise these. He advised members that all representations received throughout the various stages had been circulated with the agenda. The main objections were directed towards disturbance to wildlife, clearing of vegetation, noise and vibration effects on the ecology, lighting and so on.

DTP said that in relation to the lower station, there were some objections on the effects on residents and businesses and visitors in the area. These objections were made mainly on the grounds of noise, visual, air, and traffic.

DTP confirmed that the applicant submitted counter representations at the time. The mitigation in terms of effects on wildlife would be dealt with by the CEMP. There were no

significant effects on roosting birds and the applicant is committed to minimizing external lighting and there would be a strategy in place to try and avoid damaging any protected plant species.

DTP said that in relation to the planning application, there were also objections lodged. The main objections were to do with the increased capacity of the cable car and that this would represent unfair competition among other service providers taking visitors to the Upper Rock Area.

There was also concern about inadequate infrastructure throughout the Upper Rock with the potential for conflict between pedestrians and vehicles.

Further comments were in relation to loss of vegetation and visual impact arising from the development at the Upper Station and how it would be contrary to planning policy. Lastly, the loss of car parking at Grand Parade and the transportation of a large number of tourists to the Nature Reserve was not a sustainable tourist product.

DTP confirmed that again the applicant submitted counter representations at the time stating that competition is not a planning matter when considering applications. They also said development will not impact the number of vehicles entering the Nature Reserve and will allow a greater number of visitors without increasing traffic. They pointed out that only fifteen percent of passengers currently purchase Nature Reserve tickets and the footprint of the Upper Station has been minimised as much as possible using innovative design.

DTP moved on to Development Plan 2009 Planning Policies and explained that there are many policies that would apply in relation to this proposed development. DTP said the ones listed on screen (GD52, GD56, ENV1, ENV2, E1, T3) are generic and apply to most applications, in particular ENV2 which requires the application to provide an Environmental Impact Assessment.

In relation to the Upper Station there are two specific zone policies that apply, which are restrictive policies.

1. **Z9.2**, which relates to non-residential development in the Upper Rock Nature Reserve where normally no development is allowed unless it meets certain specified criteria. DTP said in this case, in terms of the use, it would be considered an appropriate use being partly educational use and tourist use. The policy carries further criteria to ensure that it is compatible with the surroundings and it does not have significant adverse environmental effects.
2. **Z9.6, which** relates to the specific protection of the ridgeline. DTP said there is already a structure on the ridgeline and although the proposed development is slightly higher and more voluminous than the previous one, the members do need to consider that there is an existing structure there, which already breaches the ridgeline.

DTP said in terms of sewerage, a full survey was undertaken, that was then updated and submitted in July 2020, mainly because GOG is repairing and diverting sewer lines to introduce a new sewer down Green Lane, which bypasses Devil's Gap. DTP explained that there had been sewerage issues in the past around Devil's Gap and because of these works, the

sewerage from the top station would be diverted and therefore would no longer go through Devil's Gap.

DTP concluded by noting that the sewerage system can accommodate the increased usage of the top station and that there would be some minor upgrading of the sewerage system. DTP confirmed that the TSD had no major objections in terms of sewerage but they would require continued liaison with the Applicant over the exact details of the works being carried out.

DTP said the applicant has also submitted a full report on rock stabilisation and this relates mainly to the Upper Station. DTP also said that there is an increased risk of rock fall frequency if no mitigation is carried out at part of this development. The proposals are to have in-situ stabilisation works including rock bolts, rock dowels and a containment mesh and the works are to be carried out in advance of demolition works.

DTP said that the works are not considered visually intrusive and the containment mesh is to be removed upon completion of the works. There will also be an excavation at the upper station to the effect of 2,250m<sup>3</sup> but the final rock cut faces will be subject to further surveys and investigations.

He said that TSD had no objections in principle to the rock stabilisation report but require further discussions with the Geo-technical engineers because they consider that a temporary catch fence may be required to protect Sir Herbert Miles road. They would also like further discussion on optimising the levels of excavation, determining the exact profile of any cuts, cliff stabilisation measures, passive measures and the construction methodology.

DTP suggested to the Commission that the Town Planning Department and the Department for The Environment are involved in these discussions to ensure that there are no environmental effects of any of the proposals.

DTP moved on the VMP and explained how this document set out a framework to manage passengers arriving at the Upper Station and their potential impact on the Nature Reserve. DTP summarised the main points in the document covered.

1. In terms of Managing Disturbance, the design of the Upper Station through the siting of viewing platforms and marked areas, minimise direct interaction between visitors and the wildlife areas. DTP said a lot of emphasis was placed on environmental education tools and resources, which would need to be agreed with the stakeholders.
2. In terms of Managing Litter, the proposal is to remove the sale of single use plastics and non-biodegradable products, the litter control and management that operates at the moment will be increased in proportion with the increase in number of visitors. Segregation and recycling of waste and bi-annual litter clearance from eastern cliffs.
3. In terms of Implementation of the VMP, DTP said it would be implemented during construction.

4. In terms of Monitoring and Review, DTP acknowledged JH's previous comment and said that there would be targets that would be set and would include timescales and milestones together with an annual review with the key stakeholders.

DTP elaborated on the consultee feedback and stated that the VMP was generally welcomed.

- a) The DOE took note of the visitor numbers being removed from the VMP as per their previous objection and required further discussion on visitors entering the Nature Reserve.
- b) The Environmental Safety Group (ESG) and the Gibraltar Heritage Trust (GHT) made reference to the wider area of the nature reserve and in particular the new management board and what role it would have in managing the Upper Rock outside of the application sites. DTP pointed out issues on upgrading Government infrastructure such as way-marking, litter control, maintenance of paths and furniture.
- c) The World Heritage Office (WHO) very much welcomed the education and interpretation proposals that form part of the VMP.
- d) The MBTT had concerns with the management of traffic and transport at the Lower Station and how it would be dealt with.

DTP continued to the Town Planning Assessment. He explained that the principle of the upgrade is welcomed, the Environmental effects have been assessed through the Environmental Impact Assessment (EIA) and the proposal is in general compliance with the policies in the Gibraltar Development Plan 2009.

DTP said in regards to the Lower Station there are no objections to the height, scale and mass and the design is considered sympathetic. He also said they welcome the green roof/green walls to help integrate into the surroundings with the final details to be agreed. The objection to the loss of 22 public car spaces is considered to be outweighed by the overall benefit of the scheme and the WHO recommend to relocate the bat boxes away from the south façade.

DTP said in regards to the Upper Station, although the mass and height is greater than the existing structure, it is considered that the design integrates into the surrounding area. The contoured form of the proposed building helps to minimise the impact on the ridgeline whilst the multi-faceted lower façade with integrated planting seeks to assimilate the building into the landscape. The quantum of planting of the lower façade should be subject to further discussion and agreement.

DTP also said they welcomed the range of amenities included and acknowledged that the loss of open space had been minimised and appropriately mitigated through planting of the multifaceted façade and the commitment to no net loss of habitat and compensation. DTP added that limited concerns remain over the height of roof top structures and further discussion should be held to explore the potential for reducing heights further.

Finally, he added that they acknowledged the protection of the existing historical assets on site and welcomed the management of visitors through the VMP developed in consultation with all



stakeholders. The WHO also recommended relocating the bat boxes away from the south façade.

DTP said that the Town Planning's recommendation, having taken all the previous factors into account, is to approve the application subject to the conditions previously discussed. DTP concluded the assessment of the application.

The Chairman thanked DTP for the presentation and prompts the board members in the LPS boardroom KB.

KB stated that he has discussed with the applicant concerns regarding the possibility of bird collisions with the extensive use of glass panes. KB said he suggested some solutions to the applicant and would like to know whether they had been considered. KB also suggested that this should be included as a condition.

The Chairman confirmed that subject to approval, the Commission has the right to add conditions to suit the requirements and mitigate for bird migration.

JH said that as the meeting had progressed and as the proposal is being considered for full permission, there were still a lot of issues and objections presented by other parties that she wished to revisit with the Commission. JH stated that although Environmental Impact had clearly been well assessed, the revised VMP was very good but in isolation they were concerned it does not cover other users in the area and by no means covers all the impact both on the wildlife and on the physical environment on the Upper Rock and in the quality of the experience.

JH also said the management proposal was very good but required further details like how effective it would be, how transparent, the makeup and what authority it would have. JH pointed out that the issue about the bottom station being significantly larger is the real factor even though it has been minimised to cope with the larger equipment. JH also pointed out that this project relies heavily on HMGOG cooperation, support, and parallel activity because the Grand Parade underground carpark, which was confirmed by HMGOG, is also in the pipeline and there will be considerable disruption at the bottom station.

JH said it would make sense for both projects to be carried out hand in hand if it is granted permission in order to address the spill over traffic associated with the cable car and other tour operators in the area. JH added that there are wider aspects to the cable car projects that should be discussed in the meeting and conditioned and explored fully.

The Chairman informed that the EIA process currently requires being a continuous organic process where the authority and the applicant have to keep a log throughout its lifespan, meaning that all mitigating requirements on visitor management will be assessed by the authority to ensure that the habitat is not affected. The Chairman explained that the EIA is a continuous process where the community can address any concerns where they feel that the process is not being respected and the authority would have to take up to suit the situation.

The Chairman said, in terms of the car parking and access at the lower station, the conditions and requirements from the transport and traffic authorities will be part of the process of consultation, management and approval of schemes which will mitigate the circumstances of the past.

The Chairman asked JH if this addressed the issues raised and clarified that this is an everlasting condition in the permit until the actual application itself is revised in future but the authorities and the applicant must keep abreast of the conditions in the EIA process.

MESCE said that on the assumption of the application being granted permission, there should be close liaison with the DOE and GOHNS to handle any problems emerging during the course of construction and agreed with measures having to be taken to prevent the possibility of bird collisions at such a critical point for bird migration. MESCE added that another concern was raised by GOHNS regarding bird collisions referring to the east side rope way and the installation of the anchor points not to affect the natural rock or heritage structures in the area. MESCE was also concerned about the mesh type to be used for the rock stabilisation and if possible to be removed after.

MESCE addressed a point raised by JH and confirmed that the HMGOG are taking steps towards creating the management board and that JH would be informed separately.

MESCE said it was important to note that the works within the nature reserve would require a licence under the Nature Protection Act. The applicant would have to go through the licence application process and are already aware due to works in the past.

MESCE also said that in areas where there is encroachment onto HMGOG land, there has to be formal landlord consent, which is not yet given. The applicant must acquire landlord's consent.

MESCE pointed out that the HMGOG is aware that the application, when previously considered at past DPC meetings, had received considerable objections particularly from the Taxi Association. MESCE offered reassurance on behalf of the Chief Minister and himself that a meeting would be scheduled with the Taxi Association to discuss their concerns and to ensure that they are met if the permission is granted.

The Applicant confirmed that the mesh for rock stabilisation had been designed as a temporary measure during the construction phase to be removed upon completion.

The Chairman asked the members for further questions.

JH added that the management board will be looking at including all users and managing the entire reserve and can this be conditioned in terms of timing so that one does not follow on much later than the other. That would give peace of mind to many people to know that the full management of the reserve will be in place once this potentially enormous increase of people being released into the nature reserve happens.

MESCE responded by saying that he was happy to give that commitment.

The Chairman said that for the benefit of the public, there is a distinction between the planning process and Government processes and that it is Government's role to deliver on management but that he wanted to reassure everyone that town planning will proceed with the inclusion of planning conditions as part of the planning process. If members of the public feel aggrieved that the planning process is not being respected, then the permit will be assessed and due action will be taken by planners on the applicant. He added that he guarantees as a professional in town planning that the planning process follows through for the full extent of the project's lifespan.

JH thanked MESCE for making that public commitment as it is important to the public to know that the HMGOG will be caring as best as possible for the Nature Reserve in the long term.

The Chairman moved to the vote.

The application was unanimously approved subject to conditions as outlined in the planning report and discussed in the meeting.

**360/20 - O/16766/20 -- Lewis Battery (Former Pig and Poultry Farm), Queens Road Upper Rock -- Proposed demolition of existing out buildings and construction of a hotel.**

DTP explained that this outline application relates to Lewis Battery in the Upper Rock Nature Reserve and comprises the construction of a new hotel. DTP invited the applicant to present the scheme.

Cristian Revagliatte (CR) introduced himself together with Mr Pilcher, on behalf of the applicant, and continued to explain that the proposed development site is located via a private road off Queens Road in the Upper Rock. CR said upon entering the site, you are met with Lewis Battery which is adjacent to the proposed site and is in very good condition as a result of a clear out by the applicant. CR confirmed that the applicant will continue to liaise with the GHT in order to recondition Lewis Battery and make it available to the public.

CR said the orientation of the site is south west facing and is a substantial area of land. CR explained that there are various existing buildings within the area which they intend to demolish. The buildings consist of a porta cabin, an abattoir and another small building. CR explained that the site would consist of three parking spaces and a drop off area upon entrance, a visitor centre to the left of the site which overlooks the Battery and Town including access to a cafeteria/restaurant on the first floor.

CR said the opposite side of the site consists of the formal entrance to the hotel, access to the upper floors and eight guest rooms and access via open galleries from the eastern side of the site.

CR said there are two extra floors to the development. The first floor with eleven guest rooms, which are accessed by an open gallery and the second floor consisting of six superior guest rooms. CR also said the façade has been designed so that the development looks like a combination of smaller buildings instead of one larger building. CR also said that the building is stepped back from the retaining wall to match the surrounding landscape and the roofs are pitched green roofs to mitigate the view of the hotel from the upper areas of the rock.

CR continued to expand on the photo montage shown on screen highlighting the rustic look, the green pitched roofs and the terrace as a result of stepping back from the front retaining wall. The view from the rear highlighted the open walkways and the gap between the buildings on the top level.

CR confirmed that they had been in consultation with various departments including the Ministry for the Environment and have not used bigger glass panes to avoid bird collisions in the top floor. The whole development was also brought down a full storey as a result of consultee feedback.

CR briefed the members on the photomontages shown on screen and at different views and angles as the presentation came to an end.

The Chairman asked the objector Mr Tommy Finlayson (TF) to present his concerns.

TF expressed various concerns about the development. TF said that he was concerned, according to the GDP that the development was to be made on the leisure aspect and how to circumvent the regulations regarding people being in the nature reserve during the hours of darkness unless they are residents. TF asked someone from Town Planning or Minister Cortes to provide some clarification on the matter. TF was also concerned about the Environmental impact long term and short term, noise pollution, light pollution, loss of habitat to wildlife and increased traffic during the construction process. TF also highlighted the increased use of service vehicles and disturbance to the nature reserve regarding evening entertainment.

TF was also concerned about the development setting a precedent and possibly having more applications of a similar nature, which would not be welcomed in the nature reserve. TF asked how the public access to Lewis Battery was going to be achieved and whether it would remain open to the public unlike Buena Vista Battery which is no longer accessible to the general public. TF responded to the counter representations made by the developer regarding the area being devoid of wildlife. He explained that as a tour guide and bird photographer, he could assure the developer that there is a large amount of wildlife in the area including resident and visiting birds such as the Black Redstart, the Meadow Pipit and Bee Eaters. TF noted that there is no need for a hotel for in the Nature Reserve to enjoy nature.

The Chairman moved on to the members and asked for questions to the objector. There were no questions. DTP asked the applicant whether he would like to add any comments.

Joe Pilcher (JP) responded to TF's comments about Lewis Battery by saying that the access to the Battery had been discussed with the GHT and the Gibraltar Museum Committee and as it is part and parcel of the project, there would be certain guarantees to ensure the access to Lewis Battery.

JP responded to TF's comments about the Nature reserve by stating that the hotel would not offer any entertainment and music at night and believed that everybody has the right to enjoy nature and the Nature Reserve in any aspect, not just photography.

The Chairman asked JP that the site is limited to private access at the moment, would the public have access to the WWII structures even if they were not guests of the hotel.

JP responded by saying yes and stated that there are also other means to get to Lewis Battery via steps leading from the road way. JP also mentioned plans for a traffic light system as private vehicles would not be allowed within the area.

GM asked DTP for clarification regarding the storey already omitted by the applicant. DTP confirmed that the omission of the storey was before the application was submitted and the TSD's comment for the further reduction of the building applies to the application as submitted.

The Chairman then asked DTP to move on to the planning report.

## Approved

DPC meeting 9/20

29<sup>th</sup> October 2020

DTP said the proposed site is located in an extremely sensitive area being in the Upper Rock Nature Reserve and there are further designations that apply to the area. It is a Special Area of Conservation, Special Protection Area and is within the buffer zone of the World Heritage Site.

DTP said that according to the regulations there would have to be a minimum of five car parking spaces, one accessible parking space, five motorcycle parking spaces, a minimum of two bicycle spaces and the parking spaces should have electrical vehicle charging points.

DTP said the applicant has proposed three parking spaces to be used by electric vehicles for the transport of guests, staff and deliveries and there has also been mention of bicycle storage which remains unquantified.

DTP moved on to the policy considerations for the Commission.

DTP said there are generic policies within the GDP, which deal with keeping the hotel accommodation under review and general encouragement of trying to provide different types of tourist accommodation. DTP referred to the specific zonal policy **Z9.2** as the application is within the nature reserve and must be used to consider the application as it is considered a non-residential development. Such uses will only be permitted in specific cases. DTP said the policy limits proposed uses to use that are appropriate to the Nature Reserve including recreational, educational and tourist uses. DTP highlighted other criteria including that the proposal must preserve and enhance the character of the area; the development cannot have any significant environmental effects and the requirement in terms of whether it is essential, of limited size and in keeping with the surrounding areas.

DTP briefed the members on the consultee's comments.

DTP said the DOE has objected to the application on the basis that it would have an impact on the ecological importance of the area and that there would be significant levels of disturbance during construction, traffic issues, noise, dust, and during operational use there would also be significant effects in terms of noise and light pollution. DTP also said if the application were approved, the DOE would require a VMP, an EIA and an appropriate assessment. In relation to an EIA, DTP noted that due to the scale and nature of the proposal, and that other developments within the Nature Reserve such as at Poca Roca and The Scouts Centre, had not required EIA, that this proposal would not require one. However, there may be a need to undertake individual assessments on specific matters.

The WHO stated that there would be no direct impact on the buffer zone of the World Heritage Site but a Heritage Impact Assessment would be required at a full planning application stage.

The Tourist Board has welcomed hotel accommodation and sustainable development but they state that they would need to respect the Nature Reserve.

The Ministry for Heritage have welcomed the proposals for refurbishing the Battery but they would need a heritage and photographic survey as part of any future application.

The Ministry for Traffic pointed out that the proposal does not meet the parking regulations and that they would need a VMP that would clearly set out how traffic would be managed and how the parking service would work in practice. They would also require electric charging points and final details of vehicular access arrangements at the junction at Queens Road.

TSD raised an objection regarding the visual impact and recommend the proposal should be reduced by a storey and have pointed out that the pitched roofs create a larger visual impact.

The Traffic Commission have raised concerns regarding the access arrangements via Queen's Road.

DTP summarised the planning report.

DTP stated that the planning policy for development in the Nature Reserve is very restrictive and deliberately so. Due to its sensitive setting the bar for the standard of development within the reserve is set very high. DTP said that although a small-scale hotel use is an accepted development within the Nature Reserve, Town Planning does not consider that the proposal falls within the category of small scale for the purposes of the policy. DTP said that this is a larger development than would be accepted under that criteria and is not an essential development.

DTP said that small scale needs to be considered in the context of the sensitivity of the Nature Reserve, and that a three storey building of over eleven meters in height and twenty-five bedroom hotel is not what was envisaged in policy **Z9.2**. What the policy envisaged was for more organic type of development that sits within the natural environment without creating any visual impact within or outside the local area. DTP also said that what the policy had in mind was to allow for the re-use of existing buildings for small hotel use such as rural cottages or B & B-type accommodation, where for example, you may have individual cabins dotted around a small site perhaps with a central building to serve as reception and restaurant. DTP acknowledged that the designers had tried to break up the massing through setbacks, green roofs and so on, but referred to the earlier statement that the bar for design is set very high and that it is considered that the overall mass and scale of the building is such that does not assimilate into the landscape.

DTP said the idea of a small scale hotel is welcomed but is concerned that simply tweaking the current design would not be enough and suggested a complete rethink in terms of the concept. DTP added that the development would have significant environmental effects in terms of visual impact, effects during construction and during operation.

DTP welcomed the proposed interpretation centre and refurbishment of the Battery but did not consider that these outweighed the policy and other objections.

DTP recommended refusal of the application and that if the applicant wished to pursue the idea of hotel use that they re-think the concept completely

JH supported the views expressed by the DOE and DTP and would be opposed to this project at this location to this scale with twenty four hour human activity as it would not be acceptable.

MESCE said he did not have, in principle, any objections to a hotel in the proposed location as he confirms that this is the only location where a rural hotel could ever possibly be constructed. MESCE said access at night would have to be controlled and they would have to look at the legal situation. MESCE also said that even though the applicant has confirmed that there would be no evening entertainment or music, there would still be a need for a condition within a licence to run a hotel. MESCE said he would have to issue a licence under the Nature Protection Act and it would certainly be a condition.

MESCE stated that he was not concerned about setting a precedent as the proposed location is the only one where a development would be considered, and agreed with TF regarding the wildlife in the area. He also said the open space habitat loss could be compensated if the brown roof incorporated suitable habitat for birds and would need further details. MESCE agreed with the Town Planner in respect of not requiring a full EIA but there would have to be an Appropriate Assessment because of the protected nature of the site.

MESCE was also concerned about the size of the development and was willing to defer the application in order to give the applicant an opportunity to discuss with the stakeholders to see whether they can review it in a way for the development to become acceptable.

The Chairman added that the planning report had two parts to it. It had recommendation to refuse and secondly that if it were to be approved it would be subject to list of mitigating circumstances. The Chairman asked the members if they were not opposed to the use of the site for a hotel. He referred a hotel could complement the Battery, which would benefit this heritage site and potential tourist attraction. A deferral would allow the Applicant to follow up MESCE's suggestions, allow address the issues raised today and in the planning report, and come back and possibly redesign the scheme to suit and take a decision at a deferred date.

IB said the GHT feels that the area is open for development and re-use rather than have it as a waste ground. IB said the concern expressed by the GHT is regarding the volume of the development does not sit well within the Nature Reserve but adds that as far as the re-use and refurbishment of the area and access to the Battery is welcomed.

JH reiterated full opposition to a hotel at this site. The fact that it is a brown site from historic use does not lend it legitimacy to reuse it commercially. JH added that it could be landscaped back to its original habitat and the Heritage aspects could be invested and repaired by HMGOG. JH added the Upper Nature Reserve is under pressure especially with the Cable Car expansion previously discussed and would not defer but remain firmly opposed.

The Chairman asked, without disregarding or belittling JH's comments and objections, would the Commission allow the applicant to reconsider the scheme to suit the outline application so that the decision can be deferred to a future date?

The Members, excluding JH, raised their hands in agreement.

By majority the Commission consequently allowed the Applicant to pursue the matters raised during the meeting and would decide at a subsequent meeting.

DTP asked the Chairman to clarify whether the Commission is asking for a complete rethink of the concept or a redesign of the existing proposal.

The Chairman said the Applicant and planners could liaise together with other stakeholders to reassess the massing and see how it can be mitigated to create more natural habitat within the site, minimise visual and enhance the heritage value of the Battery itself.

MESCE said it was up to the Applicant to consider the comments brought forward and see whether they would want to change the development drastically or not.

JH said the DOE have declared themselves opposed, the DTP has recommended refusal and this is an environmental situation, which has come through for the Minister for The Environment to call for a deferral and re-appraisal of the project. JH added the application is

already facing quite a lot of objection from the bodies present to protect and preserve the environment that the DTP has also laid out the intention behind the GDP itself for this area.

GM re-emphasised that there were no objections to the redevelopment of the site and that the intended use of the site is something that may be reconsidered.

The Chairman said that based on the majority accepting the deferral of the application, a decision would be taken at a later date. He then called for a ten-minute break before discussing the last application.

The Hon Dr J Cortes (MESCE) left the meeting and apologised for his absence regarding the next item.

### **Other Developments**

#### **361/20 - O/16604/19 -- 317 Main Street -- Proposed change of use from Class B1 to Class C3, demolition of the existing pitched roof and construction of a storey; demolition of the rear annex and construction of a new two storey extension and associated internal and external alterations including the conversion of a window to a door.**

DTP explained that this is an outline application located at 317 Main Street and is a proposed change of use from office to residential together with the demolition of the existing pitched roof and construction of an additional storey. This included extensions at the rear of the property.

DTP said that this is a three storey building of vernacular architecture fronting on to Main Street and has, at the rear of the building, a courtyard with a number of outbuildings in fairly poor condition. DTP said the main building is currently used as part office use on the ground floor and the upper floor is a four bedroom house. DTP noted that there are separate accesses to the office and said there is a significant change in level from east to west with the difference in height being approximately a storey. DTP said there is also a secondary access to 40-44 Town Range which accesses the rear courtyard of the building. DTP added the proposal creates a seven bedroom dwelling, a two bedroom flat and a studio, and entails the reversal of a recently converted door back to a window and the conversion of another window into a door to facilitate access to the dwelling.

DTP then referred to the drawings presented on screen to explain in further detail the proposed works to the members of the Commission.

DTP invited the applicant Mr Isaac Levy (IL) to present his case to the Commission. IL explained that the entrance to the left of the building was previously a window and would revert to being a window. He said the window to the right of the Façade would be changed into the entrance to facilitate entry to the seven-bedroom dwelling. The applicant assures that if permission would be granted, the works would be carried out in a sensitive manner in order to not alter the character of the building.

The applicant felt that it was important to note that the shared use of the entrance and the lobby between the family dwelling, the two-bedroom flat and the studio would not be appropriate for security and family reasons. IL urged the Commission to consider that this would not be an additional entrance but a relocation, which contributed to the evolved use of



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the building while preserving the character of the building previously restored by the applicant. IL respectfully asked that the planning application were approved in its entirety.

The Chairman sought confirmation on whether the proposed extra residential units were on the ground floor.

IL confirmed the additional units were on the left hand side, the studio flat upon entrance and the two-bedroom flat upon crossing through the lobby.

The Chairman pointed out that the bedroom in the proposed studio flat had no windows and therefore no ventilation. He said that although this was of no concern to Town Planning, they would have to confirm an alternative means of ventilation through Building Control.

IL confirmed that ventilation would be provided by mechanical means or by other means as required.

DTP said it was quite common to have one entrance to a traditional building like this with multiple apartment's accessed from a central corridor. A discussion ensued regarding a possible alternative access with the property through the corridor wall. IL said that they had considered all possible entrances with the proposed scheme being the most effective.

IB said the GHT, in principle, did not object to the extension but had concerns about the conversion of the pitched roof to a flat roof as this would contribute to the erosion of the Main Street Facades.

KDS said he did not have any issues and was happy with the proposal.

CV said he echoed KDS comments.

KB stated that as long as measures are taken to safeguard breeding birds he had no issues.

MESCE said heritage and energy efficiency assessments would need to be carried out, he also said bird and bat facilities should be integrated into the building and kindly asked the architect to implement the change. MESCE had no issues with the development as proposed provided conditions are met.

The Chairman asked for further questions and then proceeded to vote.

In Favour - 8  
Abstention - 3  
Against - 0

The application was approved.

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

There were no items to discuss.

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

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

**362/20 - F/14908/17G -- Special Olympics Club House, Europa Road -- Proposed constructions of new sports centre facility comprising a sports pavilion and bar, gym, changing rooms and toilet facilities.**

*Consideration of proposals to install air conditioning unit to service kitchen.*

**363/20 - F/15218/17 Castle Road / Fraser's Ramp -- Proposed redevelopment of existing buildings into a new residential development comprising 38 units and ancillary accommodation.**

*Consideration of new plans for the reuse of columns on site to discharge Condition 7 of Planning Permit No. 6425.*

**364/20 - F/15399/18 -- 413 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.**

**365/20 - F/15493/18 -- Unit 4.0.4 Block Eurotowers -- Proposed alterations and conversion of commercial premises plus store to food premises plus store and toilets.**

*Consideration of proposed signage to discharge Condition 3 of Supplemental Planning Permit 6794B.*

**366/20 - F/15677/18 -- 707 Basha Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.**

**367/20 - F/15728/18 2 -- 83 Main Street and 1 Convent Place, Gibraltar -- Proposed extension of J.J.B Amar's restaurant to the adjacent vacant unit at 283 main street and 1 convent place.**

*Consideration of proposed colour scheme to discharge Condition 2 of Planning Permit No. 6796.*

**368/20 - F/16100/19 -- 503 Express Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.**

**369/20 - F/16101/19 -- 110 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.**

**370/20 - F/16273/19 -- 223 Mauretania, 41 Both Worlds -- Proposed replacement of windows with double glazing uPVC windows.**

**371/20 - F/16497/19 --7 Paradise Ramp -- Proposed change of use of store/workshop into residential accommodation.**

**372/20 - F/16510/19 -- Rock Noodles, 20 Engineer Lane -- Proposed installation of awnings.**

**373/20 - F/16621/20 -- 17/11 Castle Street -- Proposed conversion, alterations and refurbishment of apartment premises.**

**374/20 - F/16783/20 -- Gibtelecom Technical Out Station, South Pavilion Road -- Proposed relocation of door.**

**375/20 - F/16819/20 -- Imperial House, 7 Catalan Bay Road -- Proposed erection of replacement refrigerant equipment and screens to rear yard area.**

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376/20 - F/16823/20 -- 3 Marigold House, Waterport Terraces -- Proposed internal alterations and replacement of balcony door with sliding doors to match the existing.

377/20 - F/16853/20 -- 4 Chichester Ramp, Buena Vista Estate -- Proposed conversion works to residence and minor alterations.

378/20 - F/16861/20 -- Flat 9, 19 Rodgers Road -- Proposed minor internal alterations to existing flat with proposed enclosure to existing terrace porch with glass curtain system.

379/20 - F/16870/20 -- Unit 2, Market Place -- Proposed minor alterations and refurbishment of commercial premises and conversion from restaurant to takeaway premises.

380/20 - F/16892/20 -- Rock Bastion, King's Bastion Leisure Centre, 22 Line Wall Road -- Proposed construction of external kiosk / bar.

381/20 - F/16894/20 -- Units 12 - 18 Cemetery Road -- Proposed demolition of existing warehouse and construction of new three storey building comprising warehouse and offices.

*Follows on from Outline*

382/20 - F/16908/20 -- Unit 5 Governor's Cottage Industrial Park, Dobinson Way -- Retrospective application for the refurbishment and use of premises for food preparation.

383/20 - F/16916/20 -- 77/11 Irish Town -- Proposed change of use from flat to office.

384/20 - F/16931/20 -- 116 Seashell House, Beach View Terraces -- Proposed change of balcony door and adjacent window from tilt and turn to sliding.

385/20 - F/16938/20 -- Europlaza Car Park, Europlaza -- Proposed replacement of entry and exit barrier system with doors.

386/20 - F/16940/20 -- Unit 6, 3 Parliament Lane -- Proposed conversion of commercial premises into a residential apartment.

387/20 - F/16944/20 -- 301 Sand Dune House, Beach View Terraces -- Proposed replacement of balcony doors with sliding doors.

388/20 - F/16950/20 -- 1202 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.

389/20 - F/16951/20 -- 714 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains.

390/20 - F/16952/20 -- 604 Seamaster Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

391/20 - F/16953/20 -- 806 Viking Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

392/20 - F/16955/20 -- 904 Viking Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

393/20 - F/16956/20 -- 1 Abyla Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

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394/20 - F/16967/20 -- Unit 1, 7 South Barrack Close -- Proposed installation of air conditioning unit.

395/20 - F/16976/20 -- 7.01 World Trade Center, Bayside Road -- Proposed subdivision of a single office unit into two offices.

396/20 - F/16980/20 -- 28 Main Street -- Proposed replacement shop front.

397/20 - F/16984/20 -- 46 Cormorant Wharf, Queensway -- Proposed installation of glass curtains.

398/20 - F/16985/20 -- 903 West One, Europort Road -- Proposed installation of glass curtains.

*Follows on from Outline*

399/20 - F/16991/20 -- 15 Europa Pass Battery, Europa Pass -- Proposed minor alterations to terrace area and associated works.

400/20 - F/16998/20 -- Trends Retail Store, 84/90 Main Street -- Proposed coffee unit within corner of Trends retail store.

401/20 - F/17002/20 -- 27 Rosia Court, Rosia Road -- Proposed loft conversion, extensions and minor alterations to property.

402/20 - F/17003/20 -- 5 Ellerton Ramp, Buena Vista -- Proposed installation of timber fence to patio wall.

403/20 - F/17008/20 -- 15 Limonium House, West View Park -- Proposed installation of glass curtains.

404/20 - F/17012/20 -- Unit 24 Wellington Front, Line Wall Road -- Proposed change of use from club and related services to cafe/kids parties and private events and ancillary activity (Class A3) and associated works.

405/20 - F/17020/20 -- 79 Irish Town -- Proposed tables and chairs outside unit and installation of retractable awning.

406/20 - F/17022/20 -- House 1 Buena Vista, 40 Europa Road -- Replacement of window and door with full height blockwork wall and door.

407/20 - F/17026/20 -- 228 Main Street -- Proposed internal and external refurbishment of unit.

408/20 - F/17030/20 -- 45 Kings Wharf, Quay 27, Queensway -- Proposed installation of glass curtains.

*Follows on from Outline*

409/20 - F/17035/20 -- 101 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains and internal alterations to property.

410/20 - F/17039/20 -- 207 Express Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

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**411/20 - F/17040/20 -- Unit 14, Block 5, Watergardens -- Proposed refurbishment and creation of new opening.**

**412/20 - A/16969/20 -- 111 Main Street -- Proposed installation of fascia sign.**

**413/20 - A/17094/20 -- The Haven Building, 23 John Mackintosh Square -- Proposed signage on existing hoarding.**

**414/20 - T/17077/20G -- Landport -- Proposed pollarding of *Photolacca dioica*.**

GoG Application

*This was an application to pollard a very large and healthy *Photolacca dioica* subject to a Tree Preservation Order. Some of the limbs of the tree had broken and fallen. It was considered that the tree should be pollard back to the secondary growth point and would need to be pollarded regularly as part of its management.*

**415/20 - N/17110/20G -- Rosia Road -- Reduce crown of *Eucalyptus* sp and lift asphalt around the base of the tree.**

GoG Application

*This was an application to reduce the crown of a very large and prominent *Eucalyptus* sp located along a main artery for traffic and walkers which is in decay. The base of the tree was entirely surrounded by asphalt which could be affecting its health and dead wood was found in the crown of the tree. It was considered that the crown of the tree should be reduced and all die-back and dead branches should be removed as well as the asphalt around the base of the tree lifted and reassess the health of the tree in six months.*

**416/20 - N/17113/20G -- Central Hall ---Clean crown of *Olea europaea*.**

GoG Application

*This was an application to clean the dead wood from the crown of a mature and attractive *Olea europaea*.*

**417/20 - MA/16828/20 -- Castle Road/ Fraser's Ramp -- Proposed re-development of three existing buildings into a new residential development comprising 38 units and ancillary accommodation.**

*Consideration of proposed Minor Amendments including:*

- *replacement of areas previously approved for the purposes of laundrette, gym and plant room at the lowest level of Block 'I' with 2 x one bedroom apartments;*
- *conversion of existing cistern to storage units;*
- *replacement of the area originally proposed as a plant room and gymnasium to the lowest level of Block 'H' with 2 x one bedroom apartments;*
- *conversion 2 x duplex apartments at the top of Block 'H' into 4 x one bedroom apartments.*

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- amendment of metering arrangement and dry riser inlet facing Fraser's ramp; and
- conversion of private terrace at fourth floor level to communal corridor providing access to the 2 x one bed apartments.

### **418/20 - MA/16963/20 -- Penthouse 1500 Eurotowers Block -- Proposed single storey extension to property.**

Consideration of proposed Minor Amendments including:

- Proposed internal alterations to room layouts;
- Proposed re-installation of mezzanine level; and
- Proposed reduction of perimeter windows sills from 1100 mm to 800 mm.

### **419/20 - MA/16986/20 -- 35 St Bernard's Road -- Proposed alterations refurbishment and extension of the existing dwelling to include an additional 3rd floor roof terraces new swimming pool and all associated site works**

Consideration of proposed Minor Amendments including:

- new back access to second floor from garden top level;
- alterations to the facades of the building predominantly relating to location and type of windows;
- extension of roof cornice at third floor level to join north and south volumes
- incorporation of third floor pergola area into the property;
- relocation of swimming pool from south garden to the east garden in level with third floor of the building;
- proposed east terrace at third floor level to join the building with pool;
- increase in height of building by 240mm;
- installation of additional landscaping within proposed development; and
- proposed new garden steel stairs at north facade to join upper level with 1st floor.

### **420/20 - MA/17005/20 -- 22 Rosia Court -- Proposed loft conversion to include master bedroom, ensuite and rear extension over existing kitchen to include a bathroom.**

Consideration of proposed Minor Amendments including:

- proposed changes to rear access platform; and
- proposed installation of timber pergola within front patio.

### **421/20 - MA/17015/20 -- 6 Woodford Cottage and Flat 1, 15 South Barrack Road -- Proposed alterations/extension and new swimming pool**

Consideration of proposed Minor Amendments including:

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- *proposed rerouting of storm water drain to the existing drain/sewer at South Barrack Road.*

### **422/20 - MA/17017/20 -- 17-21 Cannon Lane -- Proposed refurbishment of existing premises including change of use of upper floors from office to residential use.**

*Consideration of proposed Minor Amendments including:*

- *Proposed removal of the proposed ramp at the entrances to the ground floor commercial units to prevent pedestrian and vehicular obstruction in Cannon Lane and replacement with steps, and removable ramps; and*
- *Proposed amendments to the design of the new doors to the commercial units.*

### **423/20 - Any other business**

The was no other business discussed and the Chairman thanked members.

### **424/20 – Next Meeting**

The next meeting will be held on 19<sup>th</sup> November 2020.