

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 8th Meeting of 2021 of the Development and Planning Commission held remotely via video conferencing on 8th September 2021

Present

Mr P Origo (Chairman)
(Town Planner)

The Hon S Linares (MHYS)
(Minister for Housing and Youth Services)

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

Mr H Montado
(Chief Technical Officer)

Mr G Matto
(Technical Services Department)

Mrs C Montado
(Gibraltar Heritage Trust)

Mr K De Los Santos
(Land Property Services)

Dr K Bensusan
(Gibraltar Ornithological & Natural History Society)

Mr C Viagas

Mrs J Howitt
(Environmental Safety Group)

Mr M Cooper
(Rep Commander British Forces, Gibraltar)

Mr P Naughton-Rumbo
(Deputy Town Planner)

Mrs L Mifsud
(Minute Secretary)

Apologies

The Hon Dr J Garcia
(Deputy Chief Minister)

373/21-Approval of Minutes

The draft Minutes of the 7th meeting of 2021 held on 8th July 2021 were approved.

Matters Arising

374/21-O/16334/19- Flat A, 3 Gardiner's Road -- Proposed extension and re-development of dwelling into apartments

DTP- summarised the revised plans stating that height of the building had been reduced by 2.4m, largely achieved by lowering the building through the creation of a semi-basement and reducing floor slab thickness. A sewage holding tank had been introduced to the rear

DTP- highlighted the introduction of small set back terraces on southeast faced and glass panels to bedrooms on south façade. Some additional landscaping had been introduced to the terraces and the building now incorporated a green roof.

DTP highlighted that Technical Services Department would need to be satisfied that a solution could be found in relation to sewerage and the Ministry for Transport would require the developer to place bollards on the forecourt to prevent parking and highlighted that the area would still remain as public highway.

Objector-Elke Salmon (**ES**) - stated that this proposal would have a negative adverse effect on one of Gibraltar's listed monuments the Charles V Wall. In her opinion, the negative visual impact that the proposal would have on the monument would devalue the heritage within the area.

ES- stated that she had received reports from a surveyor confirming that the proposal would create damage to the listed monument. **ES** stated that she had circulated the report for members' perusal.

ES- also had concerns with the excavation and stated that it could possibly cause her garden wall to collapse and create a danger to her family.

ES- highlighted the issue concerning the sewage-holding tank and was concerned with the high level of maintenance it would require and the potential of the tanks leaking in future.

The green wall would not be sustainable as **ES** stated that due to the location the greenery would not flourish in the area

(**Representative**)**Stephen Martinez(SM)** – stated that they had presented an honest scheme and had addressed all concerns raised previously by both departments and objector. **SM** also reiterated the concern with regards to the height and stated height had been dropped e below the height of the existing residential property to the rear and the proposal would not have any collateral damage to the monument.

MESCCE-questioned the applicant as to whether an engineer's report proving evidence that the monument would not be at risk would be provided before moving on further with

the proposal, **MESCCE** also stated that the application would require a Heritage License to be issued.

SM- confirmed that if outline planning was approved then further studies would have to be carried out before full application is submitted.

MESCCE-Confirmed that if he was not satisfied with the evidence provided a heritage License will not be issued.

CM- concurred with **MESCCE** with regards to further information being provided and requested reassurances before excavation of site.

SM- stated that they have acquired Geo technical studies.

The Chairman- reminded the members that even if outline is approved the full planning might still be refused under its own relevant planning considerations and reasons.

GM- referred to the amount of windows on the south elevation, and if they all consisted of glass paneling.

SM- stated that the new legislation requested a 2 metres setback for openable windows therefore in order to provide natural light glass panels had been added to the design.

The Chairman - questioned applicant if the future maintenance of green walls fell within the applicant's boundary.

SM -confirmed that it did.

JH- was concerned with the green wall and its location, **JH** stated that green walls need full exposure to air and light and this may not be sufficient on this site.

JH- questioned o what renewable energy had been built in to the scheme, and highlighted the repercussions bedrock excavation could have on a residential area. Additionally, she questioned the viability of the green wall.

SM- stated that the applicant would take advice from specialists with regards to plant species. green roof, use of solar panels, and low energy lifts.

SM- referred to the green area and stated that had no issue in taking on board considerations given by consultees, and he stated that all concerns could be set as conditions.

The Chairman -stated that excavations of this nature required surveys with the adjoining buildings to ensure that there was no adverse effect on any properties.

DTP-provided a brief assessment of the revised scheme.

The revision had improved the design further and whilst still 7 storeys the overall height had been reduced. Considerations with regards to design, sewerage and the effect it could have on the monument had been addressed. The proposed solution for the sewerage would ultimately need to be fully assessed by Technical Services Department. The proposed green wall was intended to benefit immediate neighbours to south but if it proved not to be viable this was not considered a significant issue.

DTP- stated that applicant should be aware that there was a possibility for a requirement for a Heritage License and that this was separate to the planning process.

The Chairman – explained that as an outline planning application full engineering details would not normally be submitted at this stage. He emphasized that excavation would be conditioned in principal and would need to be assessed by the relevant authorities before moving forward to the next stage.

DTP- recommended that outline planning should be approved with specific conditions for an archeological watching brief, the installation of bollards, the details of the proposed solution for sewage management to be submitted, the geo technical and excavation requirements and also recommended that the forecourt incorporated a permeable surface.

MESCCE-stated that Energy performance was a requirement in new infrastructures and was still concerned with style and height. MESCCE also stated that the glass-faced side was not in any way similar to the other buildings in the area.

The Chairman – requested members to take a vote:

5 in favour

3 votes against

3 abstentions

The application was approved by majority.

Major Developments

375/21-1380-24- Rosia Bay – Proposed Residential and commercial development – EIA Scoping Opinion

DTP- explained that this this item was being tabled in relation to a request for the Town Planner to issue an EIA Scoping Opinion and not to discuss the merits of the development as such. It has become standard practice to table the Town Planner’s draft Scoping Opinion as an extra layer of consultation before issuing the EIA Scoping Opinion.

DTP- – explained that the details of the actual scheme where in the process of being developed however it was considered that sufficient information had been provided in order to provide the Scoping Opinion.

DTP- - stated that the area in question had been subject to previous applications and that an EIA had been carried out previously but the DPC had found issues with its findings. The current proposals are from a new developer.

DTP- summarised the main points of the proposal:

- The main construction would be built over the concrete platform, which would be required to be extended towards the sea.
- commercial units would be located at ground level with outdoor seating areas;

- Maximum of 75 apartments;
- Repairs of Mole;
- The beach to be cleaned and maintained;
- The reconstruction and extension of breakwater.

The following comments from departments on the Scoping Report e were disclosed:

DOE- considered that deposition of dust and debris and run off affecting water quality should be scoped in to which the Town Planner agreed.

DOE- concerned with land quality and geology due to the potential interaction with potentially contaminated soils and considered survey required to identify any hazardous waste.

DTP- commented that intrusive site investigations works would be undertaken to assess any potential pollutant linkages that ground gas monitoring would also be undertaken as part of CEMP to record ground water levels, that an UXO survey was to be undertaken and therefore it was not considered necessary to scope into the EIA.

DOE – considered that effects on marine mammals, reptiles and fish from noise and vibration during construction should be scoped in and disturbance to bird species during operation should be scoped in. It was considered that it was reasonable to scope this in.

DOE – considered emission of dust and particulate matter during construction should be scoped in and a Dust Plan would be required.

DTP- stated that the CEMP would provide for control of dust and pollution management and it was therefore unnecessary to scope this in.

DOE- considered that exhaust emissions from vehicles/ barges during construction should be scoped in.

DTP- stated that construction works were temporary and vehicle numbers were below the relevant thresholds, construction barges must comply with MARPOL, CEMP would manage emissions and was a standard mitigation measure and that air quality was not scoped in to the previous EIA. It was not therefore considered necessary to scope this in.

DOE considered noise and vibration should be scoped in.

DTP: stated that noise and vibration would be temporary and controlled through CEMP. It was proposed to adopt noise and vibration attenuation measures, that noise monitoring was to be agreed with Environmental Agency and that the previous EIA had found it would only be short temporary and effectively managed through a CEMP. On this basis it was not considered necessary to scope in.

DOE - considered effect on recreational users should be scoped in.

DTP- stated recreational activities would be temporarily disrupted during construction but that alternative locations were available and that the development would improve recreational activities. On this basis, it was not considered necessary to scope it in.

DTP reported that an Appropriate Assessment would be required as a separate and parallel process.

DTP- highlighted other documentation that would be required in support of the application.

The Chairman-stated that all environmental effects had been addressed and asked members if they wished to add or remove from the proposed scope.

KB- Stated that the EIA should be discouraged as the project contradicted the Development Plan policy as it listed the area in question as a leisure area and not a residential area.

The Chairman stated that discussions with applicant and agents has taken place and they had been advised and made aware that the application could be refused on the basis of the residential element of the scheme. **The Chairman** stressed that under the EIA Regulations and Town Planning Act the Applicant is entitled to request the Town Planner's Scoping Opinion.

JH- Fully agreed with (KB) and stated that no mention had been made of the position the three NGOs had taken towards the project. JH was in disagreement with the proposal as it went completely against the principle of the Development Plan.

CAM- agreed and supported JH and KB comments, and emphasized that there was lack of information with regards to the future proposal.

JH- highlighted the sensitivity of the area and the importance the area has on the community.

MESCCE-Disagreed with conclusions of items scoped out of the EIA and stated that it was important due to the controversy that the project could create to have all the items scoped in.

MESCCE- referred to the impact of climate change and highlighted the possibility of a major incident within the bay area and therefore strongly felt that all items should be scoped in.

MESCCE- also suggested that the extension of 12 meters should be done sensitively and ensure that the revetment used natural rock. MESSCE also stressed that this would require the issue of a License under the Nature Protection Act

Sarah Roldan (Representative for the Applicant) - - confirmed that they understood the complexity of the project and the sensitivity of the site.

He stated that they had followed all EIA regulation requirements and with reference to, the topics that had been scoped out she stated that there was already a commitment with applicant to mitigate all of these.

The Chairman- stated that as Town Planner he had no issue in having all subjects included in the EIA and not have any scoped out.

The Chairman- explained that the report would be issued to the applicant for study and consideration.

Other Developments

376/21-F/17240/20 Buena Vista Estate, Parking Number 5 (behind Phillimore House) -- New garage build for two cars

DTP- -introduced the application and stated that it was a full planning application within a residential parking area, which contained 6 parking bays. The application in question was solely for parking number 5 and that applicant had put forward two options.

DTP- - explained that applicant preferred choice was Option No 2.

DTP- - explained that Option 1 consisted of a double height garage with the inclusion of a car stacker, build with a concrete structure and rendered and painted in a white color scheme, it included the addition of solar panels on the top of the garage.

Option 2, was a double length garage which involved tunneling into the rock at the rear end of the demarcated space, the external structure and the design would be made of aluminum, it was highlighted that the tunneling was extensive as it would allow for the depth of the parking to be extended by a further 7 meters and allow the parking for 2 cars.

DTP- Informed the members that a carport for the parking adjacent had already been approved in 2020. At the time Town Planning had tried to get the residents to agree a uniform design but with no success

DTP- stated that there had not been any other comments from consultees except from Technical Services who had objected due to the destruction that would be caused to the natural cliff face.

DTP- summarised the application and stated that the height of the garage in Option 1 was totally out of character and not considered acceptable.

DTP- Option 2 followed a similar colour scheme to the carport already approved; the tunneling into the rock face would require further engineering details and reports and would be required to be reviewed by Technical Services. Overall, it was recommended approval of Option 2 with conditions on methodology for tunneling, geotechnical report and material details of the structure to be agreed.

CV- did not agree on any of the 2 options and suggested than an option of placing an open canopy for all residents would be a solution, and would keep uniformity.

KB – concurred with KV.

GM- Agreed with the expressed comments and totally disagreed with any form of excavation of the cliff face.

MYHSE- also concurred with all the comments made and added that in principle, tunneling should not be allowed as it could have a contribution to rock falls.

MHYSE made reference to past projects which had had a negative impact on the rock faces and there was an element of habitat on the cliff that could be adversely affected. However, **MHYE-** did emphasised the possibility of a uniformed design such as carports.

MESCCE- was in agreement with comments and added that cliffs are living organisms where habitats may be destroyed and therefore felt that these kind of applications should be considered in the same way as for any green space.

The Chairman- asked members if they are in favour of any of the two options brought forward.

Both options were rejected unanimously on the grounds of visual impact and negative effect on the cliff habitats.

377/21-O/17509/21 6 Strait View Terraces -- Proposed Rooftop apartment

DTP- summarised the application stating that it was an outline application consisting of a single storey extension creating a 2-bedroom apartment. The extension was to be built on the top of the roof over the existing residence and would be accessed through the applicant's current site. The extension would be set back from the boundary walls and follow a similar architectural design to the existing building. The reason for the extension was not specified but it was highlighted that it was due to personal circumstances. There was no need for any further parking within the area.

DTP- had no comments to highlight from departments.

DTP- referred to written objections that had been received from a neighbour Their main concerns had been the possibility of the new structure having an impact with regards to overshadowing, concerns regarding the storage of construction and disruption during the period of construction and the objectors where also concerned with the impact it could have on the Nature Reserve and questioned the need for a Nature Reserve License

Applicant- Mr Vella-addressed the Commission and stated the application for the extension had to do with necessity due to family circumstances and the fact that he had suffered water ingress on the roof. Mr Vella assured the Commission that the construction impacts would be minimal due to the use of a light steel structure, therefore having no cement or concrete. Mr Vella stated that the roof terrace was completely independent and the storing of material would be done on site and within his boundary walls. Mr Vella said he would be flexible on architectural design and confirmed that the extension would have minimum impact.

Mr Vella stated that if outline planning where to be approved the structural integrity would be dealt with by professionals and assured the Commission that the Nature Reserve would not be affected by any of the construction.

The Chairman asked applicant if the access to the extension was exclusive.

Mr Vela- confirmed that entrance to the extension could only be accessed through his property.

MESCCE- asked applicant to confirm that the storage of material would not be placed on any part of the Nature Reserve.

Mr Vela- Confirmed that this would be the case.

DTP- concluded that the existing building did not have any particular architectural merit and was very functional in appearance. The design of the extension would replicate what already existed. The area in question is not within the Nature Reserve and the scale of the development did not require an environmental impact assessment.

DTP- confirmed that the concern with regards to overshadowing had been reviewed and that it was considered that there would be a very limited amount of over shadowing compared to the current situation.

DTP-recommended approval of application with conditions relating to bat surveys and incorporation of nests.

JH- questioned the duration of the project and how was the extension going to be built in terms of activity.

The Chairman stated that the application was an outline planning application and these kind of conditions would be addressed through the full planning application process.

Mr Vela-confirmed that there would be no need of use of cranes and would only require the use of one storey scaffolding around the building.

CAM- expressed concerns with regards to the potential of volume and mass of future constructions due to the sensitivity of the area.

The Chairman stated that such items of massing could be considered as part of the review of the Development Plan.

MESSCE- stated that the area in question is part of the Nature Reserve and will require a permit under the Nature Reserve.

DTP- stated that the Department of Environment had confirmed that it was outside the boundaries of the Nature Reserve.

MYHSE- stated that buildings within the area had in the past carried out extensions without planning permission and congratulated the applicant for going through the correct procedure.

The Chairman assured that those extensions that had gone through the planning system had been permitted, but that based on MYHSE statement an investigation into unauthorised works would be carried out and brought back to the DPC for its attention vi-a-vis taking action on the owners.

The application was approved unanimously.

MESSCE- ensured the DTP that the area in question fell under the Nature Reserve remit.

The Chairman requested for information provided by the Department of Environment to be rectified as corrected by MESSCE.

Post meeting note: following further investigation it was established that the site does **not** lie within the Nature Reserve.

378/21-F/17548/21-My Wines, 11 & 12 Chatham Counterguard – Proposed installation of bioclimatic pergolas to rooftop terrace

DTP- presented the application that consisted of the placing of a pergola on the terrace of the site in question to create shade and protection to the terrace and its users.

DTP- referred to the recent granting of permission for the use of the roof area for two other units, both of which had conditions prohibiting any permanent structures.

DTP- Stated that the original planning permission granted for the roof terrace for My Wines had conditions in place that limited the staircase access to no higher than the parapet wall and that no other permanent structures were to be permitted.

In terms of policy, DTP highlighted that the policy on listed buildings aimed at protecting the building or monuments and that no permanent structure was allowed to be placed on any of the listed monuments.

Mr. Sander's (GS) Applicant- explained that the rooftop had given a new perspective to the area and in addition had become a Gibraltar product for tourists. GS understood that the area in question due to its history was complicated but highlighted that there was a need to cater for shade and protect clients from the elements. GS explained that although the marquee in place could be easily dismantled it had caused damage in the past due to weather and repairs had been costly.

GS- stated that he was open to discussion with regards to the design and structure of the proposed pergola and that if approved, the area would be enjoyed by both residents and tourists.

The Chairman- asked the Applicant if it was possible for him to provide the DPC with information on how the structure would be fitted on the actual monument without affecting its integrity.

GS- explained that the original permission granted for the roof terrace incorporated ring beam and the proposed pergola would be attached to the ring beam and therefore would not affect the monument.

DTP- reported that there were comments from the Ministry for Heritage and Technical Services who objected to the placing of a permanent structure, which could cause damage to the monument.

DTP- summarised the application and made reference to the original planning permission granted which made it clear that no permanent structures were to be permitted. DTP also highlighted that subsequent permissions for use of the roof areas of other units included in the same condition. Permitting the proposed structure would create a precedent for future applications. DTP highlighted another application for a roof terrace at Casemates Barracks that had recently been refused by the Commission and where the Applicant had lodged an appeal

against that decision. DTP reported that if the current application were to be approved it may well undermine the Commission's defense in the other appeal.

DTP- In view of all the relevant considerations the application was recommended for refusal.

MESCCE- stated that although concerned with regards to setting precedent he would take a pragmatic approach to the proposal and stated that areas such as Casemates Square were of a completely different nature. MESCCE stated that a more wooden design with the inclusion of more greenery would be something he could possibly welcome and was not completely averse to the proposal.

CAM-stated that the Trust would not support the proposal as it was not following the Development Plan policy with respect to the protection of the listed monuments. CAM also made reference to the accumulation of material stored in the area and stated that the proposal would also require a Heritage License.

JH- supported CAM views.

Although CAM understood MESCCE's pragmatic approach towards the proposal, CAM was extremely concerned with regards to the knock-on effect the proposal could have on the heritage value of the area.

GS- Disagreed with JH and CAM, and stated that people were actually enjoying the heritage. He stated that this proposal will not detract from heritage but on the contrary, it would enhance it. He also welcomed the introduction of greenery within the area.

The Chairman noted that the management of the site needed to be improved as the storing of items on the site defaced the monument. Although he stated that the success of the area had to be noted.

CAM- commented that the area was already being used successfully without the use of permanent structures on the roof terrace.

The Chairman called for a vote:

In favour -4

Votes against- 7

The application was refused by majority on the grounds of its negative effect on the Monument and it conflicted with the Development Plan Policy.

379/21-O/17521/21-Former Sacarello's Warehouse Forbes Road -- Proposed construction of motorcycle garage and show room

DTP- presented the application that was for outline planning consisting of the demolition of the existing premises and the construction of a two storey building for the use of sales and repair of motorcycles. The internal layout was described that included a lift, which would be extended to a roof terrace area. It was understood that the roof terrace may be used for events such as the launch of a new model.

DTP- stated that there had been representations and counter representations made and that these had been circulated to all members.

DTP- highlighted the proposal was in line with the policy regarding developments on Devils Tower Road where residential was encouraged on the frontage with industrial uses to the rear.

Feedback from departments were as follows:

The Department for the Environment required a bat and swift survey and nesting, f the introduction of a green or brown roof.

The World Heritage Office and the Ministry for Heritage would require an Archeological watching brief.

The Ministry for Transport would require approving the final details of vehicles entering and exiting the location and would condition that vehicles associated with this use should be located within the premises.

DTP- -stated that the objector from North View Terraces had concerns with regards to loss of light and view and noise levels during construction.

DTP- explained that the applicant had stated that noise level would be kept to a minimum and that the height of the building would not create any further loss of light.

The applicant also stated that noise pollution was to be kept to minimum as the building would be constructed in accordance with the building regulations.

DTP- the planning assessment was that there would be an improvement to the street scene, that the use was acceptable and in terms of noise disturbance, the requirement of a well-insulated building would ensure that noise would be kept to a minimum.

DTP- highlighted that if the roof terrace were to be made accessible then it was recommended that the roof incorporate a wide planter at the south end to provide screening separation from the adjacent flats. Additionally, a condition should be included to ensure that all vehicles are kept within the site boundary.

Subject to these conditions, the application was recommended for approval.

JH-raised concerns with regards to the proximity to residents and the use of the roof terrace.

DTP- stated that it was understood that the terrace was to be used occasionally for events such as launches of new models.

DTP- also stated that a condition could be imposed to prevent the use of the roof terrace but felt that the insertion of the planters would also force physical separation between the site and the residents in the area.

JH- urged for the condition to the no use of rooftop to be added in the application. **The Chairman-** asked members to indicate if they were in favour of the condition JH requested to be added to the planning permission.

GM- agreed with the inclusion of condition of no use of terrace.

CM- also concurred and supported the inclusion of condition.

The Chairman – asked members to vote on the application as submitted to planners with the full use of the terrace.

Vote in favour-8

Against- 3

The application was approved in accordance with the recommendation and a screen to be added to the roof to segregate the roof from opposite tenants

380/21-O/17522/21-Eastern Beach, Eastern Beach Road -- To develop a pedestrian promenade and stores at eastern beach.

DTP- The proposal consisted of the introduction of a pedestrian promenade at the rear end of eastern beach straight across from the north to the south end. It consisted of the inclusion of 600 beach stores beneath the boardwalk and the possibility of a kiosk.

The structure used would be prefabricated concrete or light aluminum frame and the proposal incorporated the inclusion of 5 access ramps and 10 staircases leading on to the beach.

The promenade would run parallel to the existing one.

The feedback from departments was as follows:

The Department of Environment did not support the proposal due to the encroachment on the beach, the beach tent line would be required to be moved forward and they were concerned with the potential accumulation of rubbish under the ramps and the high maintenance that his project would incur.

Technical Service indicated that stores and the walkway would likely suffer weather damage and expressed concern with regards to long-term maintenance of the area.

DTP- expressed surprise that there had been no consultation with Town Planning and other relevant stakeholders ahead of submission of the application. DTP highlighted Development Plan policy for an environmental improvement scheme for Eastern Beach that would include a landscaped promenade and cycle route to eventually join up with eastside. The promenade in question runs parallel to the existing one and it was considered that instead of having 2 separate elements it would better to have one.

DTP also expressed concern with the proximity of the ramps to the high-water mark and therefore would be susceptible to storm damage.

DTP- based on all points raised did not recommend approval of application.

MESCCE- stated that no consultation had been made with his department, the width of the proposal and insertion of ramps would decrease beach space and was concerned with the maintenance during the winter season.

JH- Concurred with department's feedback and suggested it should be a more holistic design and requested consultation to be undertaken.

CAM- supported JH comments and questioned the use of the storage facilities.

The Chairman - requested the refusal of application on the grounds regarding the comments from departments and members.

Application refused unanimously

381/21-A/17540/21 16B Casemates Square – Proposed shop sign

DTP- stated that application had been considered by subcommittee and that it had not been approved.

DTP- explained that the design was not in line with the design guide for Casemates Barracks and reminded the members that the area in question was a listed building.

MYHSE- Agreed with rejecting the proposal but emphasized that there are already banners in place which should be policed and removed.

The Chairman- stated that generally applications for placing of banners or signs are granted on a temporary basis and with a time frame set and are passed through the Subcommittee. He stated that this application was for a permanent placing of a banner.

The application was refused unanimously.

382/21-Ref 1528-GibFibre Limited – Proposed 4G Mobile Antenna Network Plan

DTP- - stated that the 4G roll out plan had been passed through the DPC for information purposes similar to what had been done for other roll outs such as for Gibtelecom. The intention was that applications would subsequently be submitted for individual sites and would be considered by the Subcommittee with a representative of the ESG present.

DTP- Explained that visual impact, wind load and GOG policies including proximity to sensitive sites had been taken into consideration by the Applicant.

DTP- explained that the proposal was solely for the installation of 4G however did not rule out 5G in future but the Applicant confirmed that it could be achieved without the need for additional equipment.

Consultation with different authorities had taken place and feedback was as follows:

The Department of Environment encouraged the use of the existing masts and also highlighted the fact that network should be monitored in order to ensure that it is operated at a minimum power level.

GRA- stated that they were aware of the proposal and confirmed they would undertake onsite inspection and EMF emissions would be measured on a regular basis.

ESG- were concerned with the proximity of the masts at Trafalgar House, to the College of Further Education. They also expressed concern over potential side lobe impacts on nearby residents at Trafalgar and at Ocean Village sites given the tilting nature of the masts. ESG stated its overall objection to the proposal of expansion of this industry as it has previously done on

Gibtelecom applications and, that apart from the specific sites mentioned, which the group would address with the company, would monitor situation going forward.

DTP- Stated that the applicant had offered to carry out live readings at the College.

DTP- stated that the site on OV could potentially cause an issue due to the height of the mast, which could become an issue for the Airport Authority.

DTP- Advised that individual applications should be submitted together with visual impact assessments.

JH- agreed with the DOE and stated that the EMF emission monitoring was an important issue due to the health and safety of the public and should be done regularly and appropriately.

Applicant confirmed that they would ensure to mitigate the risks concerning the site on OV and confirmed ongoing monitoring would take place.

383/21-Ref 1225 DPC Sub Committee – proposed additional delegated powers

DTP- referred to the DPC Paper circulated to members requesting that with certain criteria in place the subcommittee should be granted delegated powers to be able to consider full applications that follow on directly from the approval of an outline application.

MESCCE-Did not agree with the proposed delegation of this matter. MESCCE was concerned on how changes in the scheme were going to be assessed without any environmental input within the panel of the subcommittee. MESCCE also questioned how and who would determine if an application was controversial and therefore needed to be considered by DPC.

JH-concurred with MESCCE and stated that the Commission should be able to see the evolution of any outline planning to its full planning state.

It was decided not to grant the subcommittee the requested extended delegated powers.

Minor and Other Works– not within scope of delegated powers

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

384/21-F/17603/21 Cathedral of Saint Mary the Crowned – Proposed alterations to existing west entrance inner doors

This application was approved.

385/21 F/17664/21 4/5 Poca Roca, Signal Station Road, Upper Rock -- Carry out flat roof/terrace extension with new rear stair access and new roof finishes throughout.
-

This application was approved.

386/21- MA/17634/21- 7 Europa Road – Proposed demolition of derelict casino and bund wall to provide a new apartment block of 111 high quality residences with multi storey car park and amenities.

Proposed Minor Amendments including:

- Revision to main entrance;
- Relocation of southernmost lift and stair core;
- Additional greening proposals;
- Revision to flat plans & fenestration (number of flats reduce from 111 to 97);
- Extension of floor slabs;
- Car park ventilation louvers;
- Europa Road column bracing;
- Apartment terrace adjustments;
- Introduction of pergolas; and
- Revisions to resort deck.

MESCCE- requested clarification as to whether the original condition relating to tree planting was affected by the revisions

DTP- clarified that they would ensure condition would still stand.

The 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.

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| 387/21-F/15324/18 | 317 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains. |
| 388/21-F/15457/18 | 23/5 & 6 Cumberland Road -- Proposed construction of single storey extension and roof terrace to residence. <i>Consideration of request to renew Planning Permit No.6627.</i> |
| 389/21-F/17032/20 | 7/12 Market lane -- Proposed extension on roof terrace to enclose the gap between the two existing single storey outbuildings to create a two-bedroom apartment. <i>Consideration of application for relaxation of Building Regulations in respect of accessing bathrooms via habitable room.</i> |
| 390/21-F/17194/20 | 1 Engineer Lane – Proposed refurbishment, formation of roof terrace and conservatory; alterations to ground floor facade. <i>Consideration of proposed window details and façade colour scheme to discharge Condition 4 of Planning Permission No.7926</i> |

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- 391/21-F/17352/21** Flat 3 and Flat 4, 9-11 Willis's Passage -- Proposed amalgamation of apartments into a single dwelling and terrace extension.
- 392/21-F/17363/21** 7 North Pavilion Road -- Proposed demolition of existing garage and construction of replacement garage.
- 393/21-F/17386/21** Unit 24, Block 4, Water Gardens -- Proposed placement of tables and chairs on the pavement outside Golden Wings bar.
Consideration of external furniture to discharge Condition 3 of Planning Permission No. 8024.
- 394/21-F/17406/21** 15, Admiral's Place Naval Hospital Road -- Proposed Loft Conversion to residence
- 395/21-F/17409/21** 28 Europa Road -- Proposed refurbishment works at ground floor and roof terrace levels of building.
Consideration of revised plans including installation of railings at roof terrace level in line with Subcommittee decision.
- 396/21-F/17424/21** 11/13 Castle Street and 17/C Store -- Proposed amalgamation of store and studio and conversion into a one x bedroom flat as well as external alterations including the installation of windows and door.
- 397/21-F/17488/21** 1 Clifftop House, Windmill Road -- Proposed single storey extension to provide ground floor study and WC.
- 398/21-F/17491/21** Unit 15a, Block 5, Water Gardens -- Proposed conversion of shop into part-cafeteria and associated refurbishment of unit and external alterations including façade and signage works.
- 399/21-F/17505/21** Suite 12, Don House, The Arcade, 30-38 Main Street -- Proposed renovation of existing building facade, including installation of projecting archway canopies.
Consideration of revised plans to address Subcommittee feedback in respect of cladding.
- 400/21-F/17519/21** 1102 Imperial Ocean Plaza -- Proposed installation of glass curtains.
- 401/21-F/17524/21** 70 Ragged Staff Wharf, Queensway Quay -- Proposed internal alterations and proposal to change first floor bathroom window to 2 x smaller windows.
- 402/21-F/17537/21** 5 Woodford Cottage Europa Road -- Proposed terrace extensions and associated works.
- 403/21-F/17539/21** 705 Imperial Ocean Plaza -- Proposed installation of glass curtains.

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- 404/21-F/17541/21** Wordsworth House, 15B Town Range Barracks, Town Range -
- Proposed internal alterations and construction of an extension on the roof terrace including new terrace extension to the east.
- 405/21-F/17542/21** Unit 5, 3 South Dockyard Approach -- Proposed change of use to include production of food and alcohol from store.
- 406/21-F/17544/21** 53 Ragged Staff Wharf, Queensway Quay -- Proposed internal alterations and change of window to balcony door.
- 407/21-F/17557/21** Flat 84, Quay 29, 34 King's Wharf -- Proposed installation of glass curtains.
- 408/21-F/17568/21** 14a Elliott's Battery -- Proposed alterations to apartment premises including installation of new windows.
- 409/21-F/17575/21** 20 Gibraltar Heights -- Proposed internal alterations, replacement windows, doors, and installation of air conditioning unit.
- 410/21-F/17579/21** Unit 33 Harbours Deck New Harbours Rosia Road -- Retrospective application for the installation of an emergency generator installed in the wrong location under application No. F/15406/18 and the installation of a second generator in the original approved location.
- 411/21-F/17581/21** Flat A, 2 Mediterranean Terrace -- Proposed minor external alterations including widening and installation of new patio doors.
- 412/21-F/17582/21** Regency Penthouse, Royal Ocean Plaza, Bayside Road -- Proposed extension and refurbishment of existing penthouse apartment.
- 413/21-F/17584/21** Flat 16, 11 Palace Gulley -- Proposed alterations to previously approved first floor and roof terrace structures.
- 414/21-F/17587/21** 1 Mount Road -- Proposed building refurbishment and associated internal alterations.
- 415/21-F/17588/21** 2.0.19 Rosemary Court, Sir William Jackson Grove -- Proposed installation of air conditioning unit.
- 416/21-F/17589/21** 901 Block 5 Europlaza -- Proposed installation of glass curtains.
- 417/21-F/17590/21G** Prevost and Phillimore House, Acland Avenue, Buena Vista Estate -- Proposed external repairs including roof waterproofing, installation of external wall insulated render system and renewal of balustrades.

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- 418/21-F/17595/21** House 2, 1a Mount Road -- Proposed extension and alterations to patio and garden areas.
- 419/21-F/17596/21** 2/3 Serfaty's Passage -- Proposed construction of a conservatory within second floor roof terrace.
- 420/21 F/17597/21** 23 Bergan Court, Harbour Views -- Proposed replacement of existing windows with white u-PVC windows.
- 421/21-F/17599/21** 48 The Arches, Castle Road -- Proposed alterations/extension of existing lower level terrace including installation of a pergola.
- 422/21-F/17600/21** 1303 Block 1 Europlaza -- Proposed installation of glass curtains on kitchen balcony.
- 423/21 F/17607/21** 33 and 34 Quay 31, King's Wharf -- Proposed amalgamation of a 1 x one-bedroom flat and 1 x two-bedroom flat to create a 1 x four-bedroom flat.
- 424/21-F/17612/21** 49 Europa Road -- Proposed refurbishment of external areas including re-landscaping, removal and reconstruction of existing pool, reinstatement of emergency removal of unsafe timber balcony structure and other associated elements.
- 425/21-F/17616/21** St Christopher's School, Europa Point -- Partial refurbishment of St Christopher's School including reconstruction of the east facade, to provide annex facilities for the University of Gibraltar.
- 426/21-F/17617/21** 901, Block 3 Europlaza -- Proposed installation of glass curtains.
- 427/21-F/17621/21** 2006 Maple Garden Mews, 7 Ocean Village Avenue -- Proposed internal alterations and minor alterations to bedroom windows.
- 428/21-F/17626/21** Flat 69, Quay 29, 34 King's Wharf Queensway -- Proposed installation of canopies on terrace.
- 429/21-F/17627/21** M1 Discovery, Both Worlds -- Proposed installation of skylight.
- 430/21 F/17642/21** 104 Both Worlds -- Proposed installation of pergola with bi-folding doors and glass curtains on external terrace.
- 431/21-F/17643/21** Unit 1.01 Boston, Midtown -- Proposed renovation and conversion of empty unit into a retail lighting shop including installation of advertisements.
- 432/21-F/17649/21** 501 Block 3 Europlaza -- Proposed installation of glass curtains.

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- 433/21-F/17657/21 Garden Apartment 3, Quay 27 Kings Wharf -- Proposed construction of a pergola.
- 434/21-F/17683/21 Unit 1.12, Madison Building, Midtown -- Proposed installation of mezzanine and associated internal alterations.
- 435/21-D/16400/19 Waterworks -- Proposed demolition of storage shed.

Consideration of request to renew Demolition Permit No. 7378A for an additional year.
- 436/21 D/17651/21 Old Casino Site, 7 Europa Road -- Proposed demolition of blast wall adjacent saltwater tanks.

Follows full application.
- 437/21 A/17566/21 Unit 1, Eaton Park Forbes Road -- Proposed installation of shop sign.
- 438/21 N/17681/21 19 Europa Road -- Proposed removal of Olea Europa.
- 439/21 MA/17189/20 18-20 Town Range -- Proposed conversion of ground floor rear workshop and rear storage unit to residential use, construction of extension and associated internal and external alteration to refurbish property.

Consideration of proposed Minor Amendments including:
- *Change of use of basement workshop unit to retail (associated with approved retail unit above);*
 - *New internal stairs to basement from within the approved retail unit;*
 - *Amalgamation of two flats on the first floor into one x four-bedroom flat;*
 - *Provision of new patio on first floor level;*
 - *Removal of window and new external terrace at third floor level;*
 - *Lift to reach roof terrace level;*
 - *Installation of 1.1m glazed railings with stainless steel bars;*
and
- Other minor alterations to interior layout.*
- Consideration of window details to discharge Condition 3b) of Supplemental Planning Permit No. 7475A.*
- 440/21 MA/17246/20 29-35 Engineer Lane and Adjacent Car Park -- Proposed construction of building containing 59 residential apartments, 3 commercial units and ancillary areas.

Consideration of proposed Minor Amendments including:

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- *change of use of basement commercial premises from gymnasium to stores for both residents and the public; and*
- *re-sited location for Aquagib meter room and new WC.*

Consideration of proposed air conditioning design to discharge Condition 6 of Planning Permit No.7088C.

441/21-MA/17436/21

Jewish Care Home, Line Wall Road -- Proposed internal refurbishment of the existing Jewish care home maintaining its existing layout of accommodation and minor like-for-like external repairs/refurbishment.

Consideration of proposed Minor Amendment including:

- *Introduction of 1.8m high glazed barrier to balconies and external areas along western boundary.*

Reconsideration of proposals following submission of additional information.

442/21-MA/17562/21

The Anchorage, Rosia Road -- Proposed new swimming pool.

Consideration of proposed Minor Amendments including:

- *Enlargement of the pool and surrounding deck by 99.51 sq. m;*
- *Removal and relocation of most of the GEA infrastructure to be replaced with pool plant room, balancing tank, chemical rooms and a generator zone.*

443/21-MA/17586/21

286 Main Street -- Refurbishment and conversion of shop to hair & beauty salon including installation of new shopfront and advertisements.

Consideration of proposed Minor Amendment including:

- *Installation of a 1.5mm galvanized steel cover panel over the existing facade cover.*

444/21-MA/17591/21

No's 10 & 12 Arengo's Palace Lane -- Proposed construction of apartments, car parking and roof gardens.

Consideration of proposed Minor Amendments including:

- *removal of ramp in car park, installation of car lifts and associated reconfiguration of car parking levels;*
- *new platform and level arrangement in the south west corner of site at basement level and associated elevation changes associated with these amendments on west and south facing elevations;*

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- *relocated bin room and gym at ground floor level and reconfigured parking associated with new car lifts and omission of ramps;*
- *relocation of communal laundry at second floor level;*
- *construction of toilet at roof level to service pool;*
- *installation of glass balustrading at third floor level;*
- *reconfiguration of window apertures at sixth and seventh floors; and*
- *installation of solid wall to louvre wall at seventh floor level.*

445/21-MA/17598/21

17 - 23 Governor's Parade & 76/78 Governor's Street --
Proposed internal and external refurbishment of property.

Consideration of proposed Minor Amendment including:

- *Conversion of apartments 3,4,5,8 & 8B from one-bedroom apartments to open plan studio apartments.*

446/21-MA/17602/21

Europa Walks Estate -- Proposed Construction of seven new residential villas, 15 Town Houses and a four storey block of flats with 1x Two bedrooms units 1x one bedroom units and 3x three bedroom units, as well as a landscape podium, swimming pool and associated parking, with an additional landscaped communal pool, recreational area and commercial shop/bar adjacent

Consideration of proposed Minor Amendments to Type B accommodation including:

- *Reconfiguration of the internal layouts of the building;*
- *Reconfiguration of photovoltaic panels and brown roof on the roof of the buildings;*
- *Increase in the height of the building by 150mm;*
- *Changes to the fenestration of the building including the installation of hardwood/engineer wood cladding, confirmation of white and gray shade of render of building with signal black (RAL 90004) for flashing/gutter/windows frame) and change of windows (size/location/types).*

Consideration of proposed Minor Amendments to Type C3 accommodation including:

- *Reconfiguration of the internal layouts of the building;*
- *Introduction of photovoltaic panels as well as brown roof on the roof of the buildings;*
- *Reduction in the height of the building by 460mm although some increase in other parts of roof which were lower before but considered to be de minimus in respect of any impact on residential amenity/overlooking/privacy etc.;*

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- *Changes to the fenestration of the building including the installation of hardwood/engineer wood cladding, confirmation of white and gray shade of render of building with signal black (RAL 90004) for flashing/gutter/windows frame) and change of windows; (size/location/types).*

447/21-MA/17614/21

House 7, 8 Naval Hospital Hill -- Proposed extension, alterations and refurbishment of residence.

Consideration of proposed Minor Amendments including:

- *alterations to roof and adjacent areas to provide roof terrace;*
- *extension of ground floor terrace; and internal alterations.*

448/21-MA/17615/21

6 St Christopher's Alley, Europa Point -- Proposed refurbishment of property, including new extensions, external works, swimming pool and new access.

Consideration of proposed Minor Amendments including:

- *installation of covered orangery in previously open courtyard;*
- *minor internal alterations at ground and first floor level;*
- *installation of two windows at first floor level on west elevation;*
- *removal of one approved window and installation of window at ground floor on east elevation;*
- *removal of approved car port; and*
- *revised design of pool building.*

449/21-MA/17638/21

Europa Walks Estate -- Proposed Construction of seven new residential villas, 15 Town Houses and a four storey block of flats with 1x Two bedrooms' units 1x one bedroom units and 3x three bedroom units, as well as a landscape podium, swimming pool and associated parking, with an additional landscaped communal pool, recreational area and commercial shop/bar adjacent

Consideration of proposed Minor Amendments to Type F accommodation including:

- *Reconfiguration of the internal layouts of the building;*
- *Inclusion of photovoltaic panels and green roof on the roof of the building;*
- *Increase in the height of the building by 255mm;*
- *Slight alteration to the footprint of the building so that it does not intrude on the pavement;*
- *Changes to the fenestration of the building including the removal of hardwood/engineer wood cladding, confirmation of white and gray shade of render of building*

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450/21-MA/17691/21

with signal black (RAL 90004) for flashing/gutter/windows frame) and change of windows (size/location/types).
6 Europa Pass Battery, Europa Road -- Proposed alterations and refurbishments.

Consideration of retrospective Minor Amendments including:

- installation of window on east elevation with three panes of glass as opposed to five panes of glass; and
- installation of awning on west elevation (same as others installed throughout the estate).

451/21 F/17716/21G

Any other Business

Rock Gun -- Proposed replacement of existing radar equipment at RAF Gibraltar with new radar equipment.

DTP-explained that the MOD had submitted an application in respect of a replacement radar at Rock Gun. As it had only recently been submitted, it was not ready to be tabled at this meeting. However, as the application was extremely time sensitive it had been proposed that it could be dealt with by way of round robin ahead of the next scheduled meeting. The main issue was that construction needed to be started in early October in order to ensure that the site was ready to receive equipment that needed to be air lifted in which would only be possible in November when the aircraft assets would be available.

DTP- highlighted that any environmental issues would be submitted as comments via the round robin.

MESCCE- Stated that there had already been wide consultation with regards to the matter and DOE were satisfied with how the concerns were being dealt with, however it was to be made clear to MOD that there would be nature reserve license requirement and that these should go through the process

It was agreed to proceed on this basis.

The next meeting would be held on 21st October 2021.

Paul Naughton-Rumbo

Secretary to the

Development and Planning Commission