

# APPROVED

DPC meeting 11/21  
16<sup>th</sup> December 2021

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 11<sup>th</sup> meeting of the Development and Planning Commission held remotely via video conference on the 16<sup>th</sup> December 2021.

**Present:**

Mr P Origo  
(Chairman)  
(Town Planner)

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

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

Mr H Montado (HM)  
(Technical Services Department)

Mr G Matto (GM)  
(Technical Services Department)

Mrs C Montado (CAM) (Gibraltar Heritage Trust)

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

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

Mr C Viagas (CV)

Mrs J Howitt (JH)  
(Environmental Safety Group)

Mr Viv O'Reilly (VR)  
(Rep Commander British Forces, Gibraltar)

**In Attendance:**

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

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Mr C Key (CK)  
(Town Planning Assistant)

Mrs L Gonzalez  
(Minute Secretary)

### **Apologies:**

The Hon Dr J Garcia  
(Deputy Chief Minister)

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**559/21 - Approval of minutes**

The draft minutes of the meeting held on the 18th November 2021 were unanimously approved.

**Matters arising**

**560/21 - F/17486/21G** -The site known as Ex-Eastern Beach Public Car Park forming part of Crown Property No. 1534 -- Proposed coastal protection works associated with the north and north eastern sea defences of the eastside site which is required to protect Hassan Centenary Terraces and infrastructure from coastal flood damage.

DTP reported that this application was discussed at the last meeting where it was agreed that working hours be limited to minimise potential noise disturbance. The applicant has come back requesting longer and not so restrictive hours.

They have put forward a number of factors to be considered especially

The sea borne works are weather dependent and therefore when there is a good weather opening they need to maximize the time they have; limiting the hours could delay and lengthen the project, which is time sensitive.

The Applicant has requested these working hours:

- Mondays to Fridays 08.00 to 20.00
- Saturday and Sundays 09.00 to 21.00

DTP reported that the normal planning condition limiting working hours are:

No metal /masonry cutting equipment or other noise transmitting plant or machinery shall be operated on the premises before 08.00 hrs and after 20.00hrs on weekdays, and before 10.00 hrs and after 20.00hrs on Saturdays, Sundays and Public Holidays.

DTP reported that the findings in the Environmental Statement were based on a 6-day working week with a 10-hours working day. The Environmental Statement did not find any significant environmental effect from noise vibrations and that construction noise would not exceed the baseline levels. It also referred that vibration was unlikely to be perceptible for even the closest receptors. Additionally, CEMP would also manage noise onsite. Some of the Environmental mitigation measures that were put forward in the Environmental Statement did depend on avoiding the bathing season so therefore it was time sensitive. The latest verbal information is commencement of construction some time in February so that they could complete the section

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nearest to Eastern Beach before the summer season starts during June.

The Chairman clarified that the planning condition applies to heavy machinery and not normal noise emanating from construction works. Any other noise nuisance would be controlled by CEMP and if there is disturbance then the Environmental Agency would monitor and record noise levels and should these be exceeded then determine what enforcement action is required. Conditions are the same for all construction permissions in Gibraltar as applicable to heavy machinery.

JH requested clarification as to why is this project going forward as a standalone when the larger project for Eastside has already stated it will be taking care of protection works for Hassan Centenary Terraces.

DTP explained that the understanding is that the first section of the revetment nearest Eastern Beach is going ahead now to ensure completion before the summer season and it will also allow for the next stages of HCT to commence so that they keep within the respective time lines.

JH queried whether piling was involved.

HM informed there will be no piling, only the movement of rocks.

JH queried whether the protection would be a vertical wall or rocky revetment.

HM responded that the revetment along Eastern beach that is what is going to be done now, was a rocky revetment.

The Chairman informed that from a planning perspective the relaxation of the hours could be approved as we are entering the winter season with stormy weather and that relaxation of hours could be approved until springtime. Then it can be reviewed at a later stage should the noise nuisance for the residential areas exceed acceptable levels.

MESCE commented that the more hours they can work during the daylight hours the more progress can be made in a lesser period so there will be less disturbance during the summer season. He considered it was not an unreasonable request especially as they were not requesting 24 hour working. He had no objection to the request.

HM replied that whereas there would be no working during the Easter period, working on other public holidays should be allowed the extended hours.

Chairman remarked that he was also recommending the Commission to approve the extended hours except for the June/ summer public holidays.

MHEYS supported the request.

The request for extended working hours was approved unanimously.

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### **561/21 - F/17698/21- 3 King George V Ramp – Proposed refurbishment and extension of vacant premises into single family dwelling.**

CK reported that a site meeting had been held on 2<sup>nd</sup> November 2021 with members of the DPC and the Applicant's agent' and that revised plans had subsequently been submitted.

CK summarised the main changes:

- rear extension reduced by 37sqm.
- roof top pergola omitted and PV panels relocated.
- four of the trees previously to be removed were now retained.
- 14 mature trees to be planted.
- 4 trees to be replanted.

CK stated that a maintenance programme was required by Department of Environment to ensure all relocated trees survived.

CK welcomed the changes made by the applicant in terms of reducing the rear extension and that the screening and planting is far more suited than the 38 trees previously proposed.

CK recommended approval subject to conditions

- That the relocation of trees should be carried out before works commence;
- That detailed landscaping plans to be submitted setting the maintenance programme to be agreed by the Department of the Environment,
- Details of tree location, sizes and species to be planted to be agreed by Department of the Environment
- Tree protection measures are to be submitted for trees to be retained on site before any works commence.
- Archeological Watching Brief
- No permanent structures permitted on rear extension roof.

JH-confirmed that she was happy with the changes as the green corridor was maintained. She remarked that she had met with the applicants and DPC members on site and was happy with the change in direction and maintenance of the green corridor.

MESCE thanked the architects and developer for responding positively to the DPC's requirements. I

The application was approved unanimously.

### **MAJOR DEVELOPEMENTS**

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### **562/21 - 1281/59 Eastside Project – Proposed Coastal Protection Works.**

DTP - Items 4 and 5 are related with Item 4 being a Government Project for Coastal Protection for the whole of the East Side reclamation area. At this stage it is only the EIA Scoping Opinion that is under consideration.

DTP summarised the history of the site, he referred to the fact that it was allocated in the Gibraltar Development Plan 2009 and he referred to previous Environmental Statements that had been taken into account in the preparation of the Scoping Report.

DTP explained that two separate Scoping Reports for the Eastside project had been prepared, one for the coastal protection works and one for the waterside development. The coastal protection Scoping Report is the one being considered under this heading.

At this stage there are no detailed plans available as these are being developed at the moment. There is an outer breakwater arm about 1km in length and 500 metres from the edge of the existing rubble tip. The inner face will be a vertical edge suitable for berthing in the future and the outer face will comprise rock and concrete armour. The outer face will rise about 8 m above Gibraltar Ordinance Datum and the inner face will be lower as this would serve as a future marina. The footprint of the breakwaters can be up to 80 metres across with about 50% above the waterline and 50% below the waterline. Apart from the main outer breakwater there is a shorter breakwater projecting out from Catalan Bay that forms the entrance to the future marina.

The quayside environment would be mostly vertical walls and would incorporate jetties and other berthing structures for any future Marina berths. In terms of material rock, concrete and fill will be used in the construction. It is anticipated that rocks will be sourced from local quarries outside Gibraltar, that would be transported to the site, generally by sea. Precast concrete elements would be cast elsewhere and transported generally by sea with a load out facility at the site. Concrete caissons would be cast in a floating dock facility and then towed to site and sunk in place. The fill will be sourced from the existing rubble tip after it has been cleaned and processed.

The following topics were being scoped in by the Environmental consultants on behalf of the applicant:

- Biodiversity Impact Assessment.
- Landscape and Visual Impact Assessment.
- Coastal Hydrodynamics and Geomorphology Assessment.
- Water Quality Assessment.
- Traffic and Transport Assessment.

DTP reported on the comments received as a result of consultation:

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- **World Heritage Office** states there could be potential impact on landscapes of historical, cultural and archaeological significance that must be assessed.
- **Gibraltar Heritage Trust** and **Environmental Safety group** emphasised the importance of inter visibility between the new development and Catalan Bay and that this needs to be considered. Catalan Bay is of tourism, community and heritage value and this also needs to be taken into consideration.
- **On Coastal Hydrodynamics and Geomorphology, Technical Services Department** emphasizes the importance of carrying out a robust numerical modelling as an alternative to physical modelling. It will be important to have confidence in the results these tests produce.
- **On Biodiversity, The Department of the Environment** require a sub-tidal survey for the footprint of the entire marina including breakwaters and that an assessment on fish species as well as underwater noise, particularly in relation to protected species, is required.
- **On Noise**, this has currently not been scoped in by the Environmental consultant but the planning department consider it should be included due to potential effects on residents at the northern end of Catalan Bay and at HCT if the first phase is completed and occupied by then.

**Other comments** Not directly relevant to the scoping opinion were:

- **The Port Authority** would impose normal license requirements.
- **The Ministry for Heritage** There could be potential of submerged archaeology; this would be dealt with through the application process.

DTP summarised the topics that should be Scoped in:

- Landscape and Visual Impact assessment (inc Heritage Landscape).
- Coastal Hydrodynamics and Geomorphic Assessment.
- Water Quality Assessment.
- Traffic, Transport Assessment.
- Noise.

MESCE clarified that the reference to local quarries as the source for rocks was to quarries in the region and not to Gibraltar and that it would be limestone as done in other projects.

JH remarked that this was a transformational project and hoped there would be some kind of public exhibition to fully inform the public.

JH asked when further public information on the project would be available.

The Chairman replied that in addition to presenting the Town Planner's Scoping Opinion for DPC consideration, public awareness and exchanges with DPC members, the EIA process with the

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submission of the Environmental Statement and application allows for public awareness and participation. He encouraged the applicants to engage with the public and receptors in the vicinity.

The draft Scoping Opinion was agreed unanimously with the added topics to be included.

**563/21 - 1380/26 Eastside Project – Proposed Waterside Development.**

DTP informed that as for the previous item, this item was tabled to consider the Town Planner's Scoping Opinion. This was in respect of the waterside urban/ marina development.

DTP provided a brief summary of the project:

- Site was approximately 9 hectares.
- Mixed use development with 100 affordable homes, commercial and parking.
- 600 berth marina.
- Public waterfront promenade.
- Hospitality features.
- A retail high street.
- Office spaces.
- Pedestrianised spaces with paths and gardens.
- 500 underground car park spaces.
- Marina to include residential and entertainment.

DTP summarised the topics that had been scoped in by the environmental consultants.

DTP reported on the comments made as a result of consultation.

- The Heritage Trust emphasised that Catalan Bay is a historic site and of cultural significance and should be assessed as such in the Landscape and Visual Impact Assessment and Heritage Impact Assessment.
- The World Heritage Office referred that EIA findings have to be cross referenced with the findings of the Landscape and Visual Impact Assessments.
- The Ministry for Heritage emphasised that the Heritage Impact Assessment cannot simply be based on the one prepared for HCT as it covers a much wider area and needs to take account of cumulative developments.
- Biodiversity- a Subtidal Survey is required for the footprint of the entire Marina development. There has to be an assessment on fish species and underwater noise particularly in relation to protected species.
- Socio Economic and Tourism, - There was concern expressed by the Heritage Trust on the intervisibility of Catalan Bay and its setting and ensuring that it continues as an important focus for tourism. This must be reflected in the assessment.
- Traffic and Transport Assessment - The Ministry for Transport would require assessment to demonstrate how the development would work in relation to the exiting road network.



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Technical Services Department commented that the potential congestion at junctions could not be totally discarded without supporting evidence.

- Water Quality - There were concerns expressed by the Department of the Environment and the Environmental Safety Group about potential impacts on marine life and surrounding beaches. DTP commented that these concerns should be picked up by the water quality topic, which is being proposed to be scoped into the assessment.

DTP reported on other comments received that were not directly related to the Scoping Opinion:

- Ministry of Transport considered that early design consideration should be given to sustainable mobility, safe and attractive access points, thoroughfares for pedestrians and cyclists and public transport.

DTP summarised that there were no additional topics proposed to be Scoped-In beyond what had been proposed and listed these:

- A Heritage Impact Assessment following ICOMS guidance.
- Marine Ecology Impact Assessment.
- A Landscape and Visual Assessment of the proposed development including the cumulative effects with other developments.
- Noise assessment.
- Coastal Hydrodynamics and Geomorphological Assessment.
- Water Quality Assessment.
- Socio-economic Assessment.
- Traffic and Transport Assessment.
- Cumulative effects Assessment.

The Chairman invited members to comment.

JH emphasised the need for such a large project to minimise the carbon impact and that renewable energy sources must be properly considered throughout. She also expressed concern that she understood that the marina entrance was to the north and this may impact Eastern Beach.

DTP clarified that the current drawings indicated the marina entrance to the south and was not aware of any proposal to have an entrance to the North. However, DTP commented that the exact location and configuration of any marina entrance would presumably be determined by the geomorphology assessment and modelling.

JH raised concerns with the fact that another marina would encourage further petrol/ diesel consumption by vessels. Refueling facilities were on the western side of Gibraltar and therefore vessels would have to travel to the western side.

MESCE noted that the issue of boats and fueling had been picked up by the Department and

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would await the results of the EIA.

MESCE referred to legal requirements on sustainability, such as net zero energy buildings that the development would need to comply with and would need to be comply with the climate change strategy. He was otherwise happy with the scope.

The Chairman agreed that Climate Change needs to be considered and incorporated into the construction and development/ occupation processes and phases of the development.

MHEYS agreed that carbon neutrality and climate effects to be important and was confident they would be properly considered.

The Chairman stated that the application would be required to take into account climate change considerations.

The Commission unanimously agreed the Town Planner's Scoping Opinion as presented.

**564/21 - F/17850/21 – Western Arm, 1C North Mole Road – Proposed construction of new Gib Oil Terminal**

DTP: reported that the site was located on the Western arm, North Mole, was almost 3300 sq. metres situated to the north of the existing Western Arm, North Mole bunkering installation that is referred to as WARM. The site has derelict infrastructure from the days of the Nature Group when they had fuel storage on site and currently there are a number of fuel oil storage tanks, warehouse buildings and temporary car park on site. The WARM terminal is currently operated by GibOil for storage of marine fuel, gas and oil for barges, automotive gasoil for yachts, commercial vessels and other land based sites and some lubricants. At the moment the WARM terminal, including the Fionia Swan floating storage barge, provides 19,763 cubic metres of fuel storage.

The proposal is to construct 6 cupped self-bunded storage tanks. These tanks provide primary and secondary containment and the total capacity will be 23,700 cubic metres of storage, an increase of 4000 cubic metres over the current operation. Around the site would be a boundary wall that would provide a third level of containment covering areas where fuel is being transferred or received via pipe works and pumps. There will be a walled truck area at the northern end of site where land based transfers will take place. There is the potential to construct an underground culvert between this sites and WARM and eventually the site could be interconnected to the Phase 4 of the underground pipe works systems being constructed in the Port for distribution. The WARM Terminal would become purely for lubricant storage only and the floating storage on the Fionia Swan barge would cease.

There will be 4 large tanks about 20m in height and 18.5m diameter, 2 smaller tanks 17.3m in height and 9m in diameter. The cupped design is designed so that it prevents jetting or overtopping in a catastrophic event. The proposal includes for all necessary infrastructure and will be connected to monitoring and alarms systems. The applicant is including a carbon filter system

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to prevent release of Volatile Organic Compounds. This storage facility is for low volatility marine fuels but is also being designed to allow flexibility for storage of other fuels such as biofuels.

The perimeter wall would provide site security as well as protection against wave overtopping and sea spray. Applicant had considered options for the treatment of the wall such as introducing planting and even a mural.

DTP highlighted that fuel transfers between trucks and vessels would be via fixed infrastructure and noted that the fuel deliveries by the Fionia Swan would be reduced to 2 deliveries per month instead of the current 8. Road deliveries would be reduced from the current 20-25 per month to none.

DTP reported that in July 2021 it was determined that an EIA was not required but that the application would be supported by a number of studies/reports:

- Construction management plan.
- Visual impact.
- Air quality.
- Noise impact.
- Emergency response plan.

A Sustainability Statement had also been provided and that the introduction of PV panels either on tanks or on the adjacent WARM building was being considered. Energy efficient design was to be used throughout. Reference was also made to the flexibility to store alternative fuels, carbon filtration, decommissioning of floating storage, reduced vessel and road deliveries, reduced noise levels and emergency plans.

An Outline CEMP had been submitted although this would need final approval.

In terms of the visual impact assessment, a medium to medium-high impact on receptors within 500m, such as the residential estates at Harbour Views, Mid Harbours and Europlaza, was expected but that the impact decreased rapidly with distance.

The proposed tanks are seen within the context of the port buildings and machinery and that the only mitigation is the way in which the tanks and perimeter wall are finished to minimise visual impact.

The applicant's preferred colourscheme for the tanks comprises a dark to light grey colour so as to merge the tanks as much as possible into the wider landscape.

In terms of noise assessment, the current noise climate is affected by commercial activities and shipping vessel traffic. The CEMP would be in place to minimize any noise and vibration on site.

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An emergency Response Plan was included with the submitted operational environmental management plan.

DTP summarised the main responses from departments:

- The Director of Civil aviation required any lighting to be directed downwards to ensure no interference with aircrafts on approach to the runway.
- The Department of the Environment were satisfied with the assessments submitted.
- The Fire Brigade have no objections but they require the approval of a fire strategy that is a separate but parallel process.
- Technical Services Department expressed a concern with the height of the tanks and their proximity to the cruise liner terminal.

DTP advised that the application was subject to public participation and no comments had been received from members of the public.

DTP concluded that the use is considered compatible with the port environment.

Whilst the overall storage is increased, it means that WARM will only now store lubricants and it would allow the decommissioning of the floating storage and reduced number of sea vessel movements and road deliveries.

This fuel storage facility is of strategic importance to Gibraltar to allow maintenance of sufficient volumes of fuel.

The facility is designed to be able to adapt to new types of fuel and storage.

The cupped tank design provides secondary containment of 110% that is welcomed.

CEMP and the Operation and Environmental Management Plan will manage and mitigate other environmental effect.

In terms of visual impact, it is acknowledged that these tanks are of significant size and that there will be some visual impact. It is agreed that the preferred colourscheme would minimise visual impact.

It was accepted that planting on the perimeter wall would not be viable but that its appearance could be improved with some simple signage on the west facing wall.

The application was recommended for approval with conditions reflecting the above.

JH confirmed that they had met with applicants and that they welcomed the use of carbon filters.

MEHSCE: Welcomed the improvement of air quality and reduction of vehicle and shipping movement. In the short term, it will clean up the act and have a beneficial effect on the

environment.

The Chairman invited Mr. Harry Murphey (Applicant) to address the Commission.

Mr Murphy summarised his company's approach and thinking on this proposal. He emphasised that they are working towards greater use of renewable fuels for the future. He referred to possible use of LNG, HVO (hydrogenated vegetable oil) and gas and liquid fuels. He said they were very aware of the future fuel possibilities and that he hoped that bunkering in Gibraltar would become much greener over the next decades.

The Chairman queried whether these renewable fuels could be introduced sooner than the suggested 30 years.

Mr Murphy referred to the fact that they were already sourcing HVO for a customer in Spain and that once the tanks are up and running it would enable them to store HVO locally.

GM asked if it was commercially necessary for the construction of the 6 tanks or could this be minimised.

Mr Murphy responded referring to the fact that currently they were limited in what they could import via land and had been pushing for greater fuel sea imports. The current floating storage was insufficient for their needs. In order to operate the facility effectively they required this number of tanks.

GM congratulated Mr Murphy on the presentation of the commercial aspects and the physical construction requirements and issues.

The application was approved unanimously with the conditions recommended.

**565/21 - F/17481/21 -3 Maida Vale Mews, Maida Vale, Engineer Road – Proposed three storey side extension with double garage, passenger lift and accessible green roof.**

DTP stated that this property is located on Engineer Road leading to the Upper Rock and was a proposal for a side extension to an existing house with double garage and passenger lift with access to a green roof. It was an end of terrace house, part of 3 terraced houses fronting onto Engineer Road. The proposed extension is to be built over a grassed area at the end of the terraces. A 4-car stacker system would be provided at basement and ground floor. A lift is proposed at the rear of the building right up to roof level giving access to a proposed green roof. A rear external staircase from the 3<sup>rd</sup> level provides access to the roof as well.

The design generally follows the existing style of the existing terraced houses. Solar water panels are proposed on the roof and positioned to prevent overlooking of the neighbour. The lift overrun has been located more or less in the center of the building.

In terms of sustainability solar water panels are being proposed, the lift will be solar powered and

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energy efficient lighting is to be incorporated into the scheme.

In terms of landscaping, an additional two small planters are proposed at the front of the building and whilst the lawn area would be lost this would be compensated for by the green roof

DTP advised that full planning permission was granted for The Sanctuary in October 2012 that included the townhouses. DPC had some concerns with early designs of the Town Houses and required revisions to be made that provided for setting back of the houses allowing for greater landscaping.

DTP referred to Development Plan policy applicable to the buffer area of the Nature Reserve and highlighted that this required that new development should not have any adverse effect on the Nature Reserve and be limited to low density developments.

He referred that the World Heritage Office had no objection to the application, but noted the substantial massing.

The Department of the Environment welcomes the green roof and specified that any nesting sites would have to be designed for starlings and sparrows.

The Ministry for Heritage is concerned with the massing and if this would translate into a negative visual impact at street level.

DTP informed that no representations were received from the public during the Public Participation process.

DTP reported that the architect was present to answer any questions and also stated that revisions had been submitted the evening before the meeting but that these had not yet been reviewed.

DTP stated that the architectural style is sympathetic to the existing building although felt that the extension does represent a significant extra mass.

The existing terraced houses have a vertical rhythm whereas this proposal has a much more of a horizontal element to it. There needs to be further work on the design to refine that impact. DTP commented that the extension, including balconies, should be set further back and that vertical building elements need to be introduced into the west-facing facade to simulate what has been done in the original design in terms of vertical cladding elements. It was considered that the new extension could be slightly higher than the original building to maintain the stepping up of the heights of houses as they ascend the hill. The overrun of the lift on the roof is a significant element and the change to an accessible roof with all the associated activities and structures that would be associated with such a use, is considered to detract from the overall design of the buildings.

DTP recommended that the applicant revise the design to address the above concerns. The roof

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terrace and lift housing should be omitted completely from the proposal. The roof would still be accessible but for maintenance purposes only. If the applicant does revise the application in line with these recommendations DTP suggested that the revised scheme could be reviewed by the sub-committee instead of having to bring it back to the DPC.

MEHSCE stated that he did not support this scheme. He referred to the issue of residents living near the Nature Reserve complaining about nuisance caused by monkeys. He considered this an unnecessary massing near the Nature Reserve. He would not support the scheme even if amended.

JH stated that she was totally opposed. It was effectively another house.

The Chairman clarified that this was not another house but an extension to the existing household interconnected and with no separate individual external doorway to this extension. It is an extension for an existing resident.

GM wanted to endorse fact that he did not think this could be considered as a side extension but an additional building on the overall area which he had concerns with in light of its location on the outskirts of the Nature Reserve.

The Chairman invited Mr James Hughes on behalf of the applicant to address the Commission.

Mr. Hughes stated that he was made aware of some concerns by the Planning Department, mainly on the uniformity of the town houses.

He stated that some of the views submitted are not representative as they were 'helicopter views'. He stated that they have set back the extended element for the main facade and produced new images of that and believes that this does have a breakup effect on it. He agreed with DTP about the potential stepping up of the roof. In terms of size and massing it is designed around the width of the two parking bays and it is really to provide two additional bedrooms for the applicant as he has a growing family and been in Gibraltar for 25 years. He referred to the benefit of an increase of 3 additional off-street parking spaces, a net increase of green area of 20sq metres and additional planting on the front. The applicants also intending to change all glazing on the main house. The predictive EPC is for a Grade A rating. The proposal is far enough away from the rock face on the south side to provide space all around the property.

The Chairman asked whether the resident in this house has been living there for years or just recently.

Mr. Hughes replied that the house was bought prior to completion and they have lived in this house since 2012.

Mr. Hughes confirmed it was not a speculative development. They have made it their home here after more than 20 years in Gibraltar and they have a growing family. The lift is not a luxury it is

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more of a health issue as the applicant has a degenerative nerve disease that affects his legs and limbs, which will not get any better and will get to the point where he cannot walk. So it was either a question of putting a lift in the existing staircase or introducing a passenger lift, that's the sole reason for the passenger lift.

The Chairman asked Mr Hughes to clarify that there is no existing lift in the dwelling.

Mr. Hughes confirmed this to be the case.

DTP stated that the concern with the lit was the overrun of the lift and the use of the roof itself. DTP asked Mr Hughes if he would be amenable to lowering the lift overrun so that it provides access to the upper levels but not to the roof that would be accessible for maintenance purposes only.

Mr. Hughes responded he would need to discuss with the applicant but felt that something could be arranged.

MEHSCE thanked the applicant's agent for those explanations and stated he had great sympathy for health issues. He would not object for a lift to be built next to or behind the building. He recalled this development was approved at the time and stated that he had supported it only after a great deal of discussion and was approved without this proposed extension. His view was that the proposal was adding bulk and mass just on the edge of the Nature Reserve. He sympathised with the applicant but did not support this extension although he had no problem in supporting a proposal for a lift only.

The Chairman asked for a vote on the application as recommended by DTP.

- 5 members voted to approve
- 5 votes against.
- 1 abstention.

The Chairman used his casting vote to approve.

The Chairman confirmed that subject to the applicant complying with the recommended changes that the revised proposal would be tabled at the DPC rather than Subcommittee, as had been suggested by DTP, due to the close vote.

Note: Later in the meeting, MEHSCE requested that the Chairman carry out a re-count of the votes, name by name, as he thought there might have been a mistake. The Chairman did so and this confirmed the original count that there had been 5 votes in favour, 5 against and 1 abstention and that the Chairman had used his casting vote to approve the application. MEHSCE was satisfied and thanked the Chairman. JH queried whether the Chairman had used his casting vote correctly. Both the Chairman and MHSCE confirmed that this was how the casting vote works.



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### **566/21 - O/17527/21 – 5 Cheshire House Buena Vista – Proposed single storey extension over an existing multi-occupied residential building.**

DTP stated that this was an application for a single storey extension over the existing building. The design statement submitted by the applicant's architects and the representations and counter representation were previously circulated to members.

DTP stated that the building was a 19th century/ early 20<sup>th</sup> Century building occupied originally as officers' quarters. It sits on an elevated position on the southern end of Buena Vista Estate. Alterations have been carried out to this building in the past either under Ministry of Defense ownership or since it has been in private ownership.

DTP reported that there had been a recent previous application for a modern extension to be located on the central part of roof and the west elevation of that proposal was a predominantly glazed extension, which was set back along the western edge of the building by about a metre. Two options were proposed for the overhang of the roof. The eastern facade was to have a rendered finish with window openings. The Planners' recommendation at the time was to approve the application with the condition to set back the east facade from the building line and to adopt a lighter overhang. This was considered by the DPC in January 2018 when the application was refused due to concerns with the heritage value of the building, pressure from neighbours for other extensions either side and that this would result in an ad-hoc approach rather than a holistic design that would cause a negative effect on the building's profile.

A Refusal Notice was issued and the applicant lodged an appeal against that decision. The appeal has been held in abeyance as the applicant preferred to pursue discussing with relevant stakeholders to see whether a compromise might be reached. This has resulted in the current proposal with this new application. The applicant has been in consultation with Town Planning, heritage bodies and some DPC members.

The revised design comprises a single storey extension of minimalist design with a glazed western façade and a rendered eastern façade. The eastern facade has now been set back just over half a meter thereby preserving the existing parapet wall of the building on that side. On the west side the extension has been set further back so that it is now 2.25 metres from the front building line. They have incorporated a louvered brise soleil that gives a lighter appearance as recommended and that has been set back 1 metre.

An assessment of the visual impact has been undertaken that concludes there would be limited visual impact. Reference is also made to similar interventions that have occurred at the Buena Vista Stone Block and elsewhere in area and further afield including examples at the stone block at Buena vista, The Clifton's, Old Naval Hospital, Edward House and further afield the University of Gibraltar building. Generally, the extensions permitted have been modern and set back from the original building line to better distinguish between the old and new.

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DTP reported on previous alterations that have been permitted on the same building including at No 4 that had a rear extension approved back in 2017 that included a glazed balustrade and pergola. At No 1 a ground floor extension, swimming pool and first floor rear extension and glazed balustrading was permitted.

DTP reported that the Department of Environment would require a green/ brown roof.

Gibraltar Heritage Trust have confirmed that setting back the extension has reduced the massing and visual impact and the change of the solid overhang to the permeable brise soleil has helped. The Trust has also acknowledged the existence of precedents and do not object to the application. However, the Trust requests a planning condition requiring any future roof top extensions adjacent to the proposal to be of similar design. In response to this DTP commented that such a condition would not be a valid planning condition. It would be for the Commission to determine any future proposals on their merits although obviously the existence of the proposed scheme as and when built could take into account when making its decision on any future application.

The Ministry for Heritage have a general concern with extensions to Heritage Buildings, which can have negative impacts. However, they acknowledged consultation that has taken place and that the revised design will have much less visual impact than the previous proposal.

The occupants of houses 1, 3, 4 confirmed they had no objections subject to;

- Ensuring no access to their respective roofs;
- There should be no windows to the north or south;
- The existing roof plant should be relocated by applicant.

They also confirmed they would be willing to adopt similar design if they were to propose extensions in the future.

The occupier of House 2 objected as the roof is a shared roof and no agreement has come into effect on ownership of this part of the roof. They stated that the proposal affected the character of the building.

The applicant had provided counter-representations confirming their agreement to the neighbours conditions. The applicant also considered that historic and architectural importance can be subjective in certain respects, and the integrity of the building has already been affected by past alterations. In terms of roof ownership this is not a matter for the DPC.

The application was subject to public participation and no comments have been received.

DTP acknowledged there has been extensive consultation with the applicant on the revised design.

The revised design addresses the concerns raised particularly, setting further back on the west

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side, the setting back on the east side and the introduction of a brise soleil which is visually permeable making the structure much lighter and reducing visual impact.

DTP noted that modern extensions of a similar nature have been permitted elsewhere both in the immediate locality and more widely. This scheme follows a similar concept to what has been permitted previously on historic buildings. On the question of future extensions, should neighbours want to extend on either side of this extension, whilst DPC cannot impose a condition on this application, the Commission would determine such applications on their merits and taking into account the existence of this extension, should this be built and completed.

DTP recommended approval of the application with specific conditions for a green or brown roof, PV panels, and privacy screen on either end of the extension to address potential overlooking onto neighbours, bird and bat surveys and nests being installed and any other general standard conditions.

CM welcomed the discussions she had with the applicant and who have been very proactive and positive in their response.

The application was approved unanimously.

### **567/21 - F/17630/21 Icom House – 1-5 Irish Town – Proposed single storey office extension over an existing building.**

DTP stated that this was an application for a single storey extension over an existing building. Representations and counter representations had been received and circulated to members.

Outline Planning Permission had been granted in November 2017 for an extension that was limited to a single storey with conditions to set back the extension and incorporate a green or brown roof.

That permission expired in 2018. This application follows that proposal and complies with the conditions that were imposed on the previous application. The current proposal is for a single storey extension to be used as offices. It is a contemporary design with full height glazing incorporating a brise-soleil. The building line is set back from the front plane and they have incorporated a projecting balcony, green roof and PV panels.

Comments from Departments: Department of Environment required further details of PV panels for their final approval.

The application was subject to public participation and there was 1 letter of objection from the owners of the building behind this property, who had also objected to the previous outline application. The objection related primarily to four windows, which had previously been opened

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within Icom House at lower levels to where this extension is proposed and that took place without permission and were overlooking the objector's premises. There was a private agreement entered into between the objector and the owners of Icom House concerning these windows where an annual fee is paid and therefore they are not entitled to a right to light or ventilation because of this agreement. The objector stated that the additional storey should not have any overlooking windows to their site. They also objected on the grounds that the additional storey will enclose the existing recess where the windows are located on the lower levels.

The counter representations confirm there are no windows overlooking the objector's site. The additional storey is not projecting beyond the existing terrace level and therefore there is no enclosure of the recess as this already occurs as the existing roof terrace already projects over the area. The four windows are not relevant to the current application and the extension would not prevent the objector from wanting in future to develop on their site.

DTP commented that the principle of the additional storey had been established in the previous outline planning application and that this is in line with the previous decision. They have complied with the outline conditions even though the outline planning permission has expired, with the incorporation of the set back, the green roof and the PV panels.

In relation to the objection, DTP confirmed that the additional storey does not project beyond the rear building line of the application site, which is between the two properties. The unauthorised windows and the associated ventilation shafts are already covered by the existing terrace so the additional storey does not affect this. In any event, this is a building control issue.

DTP recommended approval of the application as submitted with details to be provided of the green roof and PV panels, the requirement for a bird and bat survey and provision of nests in agreement with the Department of the Environment. The rest of the conditions would be standard planning conditions.

DTP added that in relation to the unauthorised windows our understanding is that these windows serve bathrooms so if the void were to be blocked by any new building extension over the adjacent property then these windows would need to be mechanically ventilated. This is a building control not a planning issue.

MESCE had no objection as a whole, but had concerns regarding glazing in an area, which is a high-density swift area. Appropriate measures would be needed to prevent bird collisions. MESCE requested reassurance and details before it is formally approved, both that nests are going to be introduced and that glazing will be such that it will not end up in swift mortality.

The application was approved unanimously in line with the recommendations including MESCE's comments on details of nests and avoidance of bird collision.

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### **568/21 - O/17760/21 - Unit 7 Ocean Village Promenade - Proposed external enclosure.**

DTP: explained that this related to one of the pods at Ocean Village, and noted that this pod is slightly different to the others being slightly smaller and set back marginally from the public walkway compared to the other pods. The application is for an external enclosure. It is an existing cafe /restaurant and the proposal is to construct a conservatory over the existing external tables and chairs area. The enclosure would comprise an aluminum structure with a retractable roof and translucent awnings.

There had been no objections from the public to this application.

DTP noted that the use of translucent awnings and the frame to be coloured to match the existing building would minimize the visual impact. The tables and chairs area is a private licensed area within Ocean Village. DTP recommended that the structure should not be permitted to extend beyond the line of the balustrade immediately adjacent to avoid any encroachment onto the public walkway. On that basis, DTP recommended approval of application.

The application was approved unanimously in line with the recommendation.

### **569/21 - F/17883/21 ROSE TREE COTTAGE- 8 NORTH PAVILLION ROAD.**

DTP explained that this was a Colonial Style single storey cottage with a fairly large garden area with mature trees. Access was from North Pavilion Road and the house was located behind a high boundary wall. There is a secondary access from the shared parking area via on Central Pavilion Road. This property has had previous alterations.

The current proposal can be split into two elements, these being internal alteration to the property essentially involving the opening up of rooms and the construction of an additional storey over the flat roof of the building on the southern end and over some of the ground floor extensions that have been built in the past. A hipped roof has been incorporated to the new storey, it includes a 1<sup>st</sup> floor verandah on the southwest side and the design is traditional to match existing building and PV panels are proposed on to the roof.

The second element of this application is to construct a small extension at ground level to accommodate a small pottery workshop. It is to be separated from the main house by a glazed pedestrian link. The architectural style is in contrast to the style of the cottage to distinguish the new from the old. It has been designed around an existing mature olive tree and will be built over a floating structure with the tree to be retained. Extensive glazing and skylights are incorporated to maximize natural light for the pottery workshop. The building will be clad with timber paneling.

An Outline planning application was submitted in March 2019 for a two story extension to the south of the original building that involved the loss of the mature olive tree. The DPC had concerns with that application in terms of architectural style, the proximity to a retaining wall at rear of the property and the loss of an olive tree. The DPC deferred the application at the time and

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invited the applicant to redesign the proposal.

The previous application was withdrawn when the current application was submitted.

DTP also highlighted that in September 2021 they applied to remove a palm tree which was dead and this was granted permission by the Commission.

The Ministry for Heritage had no objections to the proposal and complemented the design.

The application was subject to public participation and there were no objections.

DTP summarised by saying that the current design was considered a vast improvement on the previous submitted application and that the additional storey on the original house was in-keeping with the cottage design in terms of materials, colours etc.

The workshop is seen as a visually distinct building from the original cottage and the use of the glazed link is a well-established architectural principle to try and separate the new from the old without adversely affecting the character of the existing building. DTP welcomed the fact they have designed the extension around the mature olive tree. The design of the workshop will have natural light and visibility into the garden and noted that the cladding for the extension helps to give it a more natural feel. DTP welcomed the fact that the architects are trying to keep the natural features of the site.

DTP recommended approval of the application with standard planning conditions.

CAM commented that this was a vast improvement to the previous application. She would like a condition included that the materials to be used must be sympathetic.

The Chairman commented that a lighter tone would be recommended to the wooden cladding rather than the dark colour proposed.

The application was approved unanimously with the added cladding condition and the standard conditions.

**Minor and other works – not within scope of delegated powers**

### **570/21- F/17659/21 HOUSE 10, 8 NAVAL HOSPITAL HILL - PROPOSED EXTENSION AND ALTERATIONS AND REFURBISHMENT TO PROPERTY.**

This application was approved.

### **571/21 - F17824/21 10 ST JOSEPH'S ROAD - PROPOSED CHANGE OF USE WITH ALTERATION TO VISITOR CENTRE/ INTERPRETATION CENTRE FOR WITHAM'S CEMETERY.**

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CAM declared an interest as this was an application by the Gibraltar Heritage Trust and did not take part in the discussion or decision.

JH asked for a brief summary of the proposal.

DTP stated that this is a single storey building with some later additions, which will become an interpretation center for Witham's Cemetery with better accessibility to the site. It does not include the garage beside.

DTP further explained that the reason for this application is the Heritage Trust has been involved in improving Witham's Cemetery and proposed the conversion of this building into a Visitor's Interpretation Centre and that the only works were for the removal of the west wall of this building to create new verandah.

MHEYS noted that this was an ex- Housing Department property that had been handed over to the Trust and was a good example of the benefits of working together.

Discussions between the Chairman and MHEYS came to the conclusion that the Nissan hut garage next to the proposed site application was an eyesore and that its ownership should be investigated vis-à-vis it being externally embellished.

**572/21 - D/17632/21 3 KING GEORGE V RAMP - PROPOSED DEMOLITION WORKS TO PROPERTY.**

This application was approved.

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**Applications granted by Sub Committee under delegated powers (For information Only)**

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

573/21- F/15043/17G Europa Point – Proposed sports facility building and pitch for rugby, cricket, squash, and darts and for many other sports and performing arts.

GOG Project.

Consideration of security gate and fence details for Zones 1 and 2.

574/21- F/17695/21G – Bayside and Westside Schools – Proposed installation of fire doors to sports hall.

GOG Project.

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575/21 -F/17717/21 – 1205 Grand Ocean Plaza, Ocean Village- Proposed minor alterations to apartment premises and installation of glass curtains.

576/21 -F/17719/21G – Gun Wharf, HM Naval Base – Proposed reconfiguration, extension and modification of pontoon and services.

MOD Project.

577/21 -F/17735/21 – Units 22B and 23B, First Floor, 1 Casemates Square – Proposed conversion/refurbishment of Units 22B and Unit 23B.

578/21-F/17770/21 – 1001 Block 3, Europlaza – Proposed replacement of two bedroom windows with new ones with same colour and design.

579/21 -F/17777/21 – 32 Rosia Court Rosia Road – Proposed loft conversion, extension and minor alterations to residence.

580/21 -F/17780/21 – 1/7 Serfaty's Passage – Proposed change of use from residential (Class C3) to office (Class A2).

581/21 -F/17784/20 – Entrance to tunnel via Eastside, Brian Navarro Way – Proposed installation of emergency backup generator for existing main mobile current site in case of power outage.

582/21 - F/17785/21 – 14 Block 3, Eurotowers – Proposed renewal and extension of existing pergola.

583/21 -F/17786/21 – 6 Prevost House, Buena Vista Estate – Proposed interior alterations and extensions.

584/21 -F/17787/21 – Eastside slopes under Water catchments opposite Caleta Palace Hotel – Proposed installation of a new GSM/emergency services network antennae.

585/21 -F/17790/21 Unit 1, Eaton Park -- Retrospective change of use from offices (Class A2) to retail (Class A1).

586/21 -F/17792/21 Flat 68, 33 The Anchorage, Rosia Road -- Proposed installation of glass curtains.

587/21 -F/17814/21 6 Gardiner's View, Europa Road -- Proposed raising of patio wall.

588/21 -F/17826/21 House 9, The Island Queensway Quay -- Proposed minor internal alterations, replacement of rear curtain wall glazing and creation of new covered porch at second floor level with new glazing.

589/21 -F/17831/21 48 Devil's Tower Road -- Proposed replacement of existing window with



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garage-style door.

590/21 -F/17832/21 House 9, 1 South Pavilion Road -- Proposed alterations to residence and basement works.

591/21 -F/17834/21 20 Prince Edward's Road -- Proposed refurbishment works to existing residential premises.

592/21 -F/17841/21 280 – 282 Main Street -- Retrospective application for the subdivision of a shop (Class A1) into a shop and store.

593/21 -F/17856/21 115 Portland House -- Proposed internal alterations, replacement of living room window with door and widen patio door from double panel to triple, replacing sliding door with bi-folding glass doors.

594/21 -F/17865/21 15 - 21 John Mackintosh Square -- Proposed installation of access ramp to main Gibtelecom offices.

595/21 -F/17880/21 903, Block 4, Europlaza -- Proposed installation of glass curtains.

596/21 -N/17782/21 Montagu Gardens -- Proposed removal of Tipuana tipu.

This tree application was seeking to remove a medium sized Tipuana tipu in Montagu Gardens with many such trees, some of which have been managed very poorly. The tree had been topped, negatively impacting its growth and was planted too close to the adjacent building for a species of this size. It was considered that due to the topping, the crown spouts as multiple, weak and very dense branches that require constant management and that the proximity to the building encroaches onto people's windows and that in view of this the tree will never improve its form and should be replaced with a smaller, decorative tree that is better suited to the location such as a Erythrina crista-galli.

597/21 -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 elevational changes associated with these amendments on west and south facing elevations;
- relocated bin room and gym at ground floor level and reconfigured parking associated with new car lifts and omission of ramps;

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- 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 on sixth to seventh floors; and
- installation of solid wall to louvre wall at seventh floor level.

Consideration of public access and fencing details to discharge Condition 3 of Supplemental Planning Permit No. 6279B

598/21 - MA/17775/21 3-5 St. Bernard's Road -- Proposed extension, alterations and swimming pool.

Consideration of proposed Minor Amendments including:

- redesigned garage door and bollards;
- changes to the fenestration of the west elevation including window sizes and doors at first and second floor levels; and
- small reduction in overhang at roof level.

Consideration of alternative location for air conditioning units to discharge Condition 8 of Supplemental Planning Permit No. 6576C.

595/21 - MA/17779/21 345 Watergardens, Waterport Road -- Proposed extension, conversion and minor alterations to penthouse apartment.

Consideration of proposed Minor Amendment:

- installation of safety balustrading to terrace 1 and 2 of 15cm and 20cm height in security glass.

596/21 - MA/17793/21 441, Block 4, Water Gardens -- Proposed internal refurbishment of penthouse apartment and extension of roof overhang and onto existing terraces.

Consideration of proposed Minor Amendment:

- Installation of safety balustrading to terrace 1 and 2 of 15cm and 20cm height in security glass.

594/21 - MA/17810/21 12 Willis's Road -- Proposed extension, redevelopment and refurbishment of building as well as construction of a new parking deck and associated amenities.

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Consideration of proposed Minor Amendments including:

- retaining more existing structural elements of the building including timber joists and façade walls which were indicated as new within the original scheme;
- Retention of the exterior arches at ground floor level on the east façade of the building;
- removal of some windows in existing blocked up openings on the west façade of the building at first to third floor levels; and
- Removal of roof terrace and plunge pool at roof level.

595/21 - MA/17794/21 16 Lower Castle Road -- Proposed internal refurbishment including installation of door on façade of building.

Consideration of proposed Minor Amendment:

- Omission of proposed storage platform.

596/21 - MA/17827/21 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.

Consideration of proposed Minor Amendments:

- Omission of proposed pizza area at the front of the unit and replace with a desert takeaway area;
- Relocation of fire exit to the right of the unit;
- grouping the kitchen and toilets in same area for easier drainage;
- replacing glazing with masonry wall;
- enlarging banquet seating area and larger bar area; and
- changing right section of front façade in order for it to be in three sections and openable in the centre for the desert café takeaway.

597/21 - MA/17857/21 House F, Devil's Gap Battery, Green Lane -- Proposed construction of side extension to property and redevelopment of terraced areas.

Consideration of proposed Minor Amendments:

- first floor extension including kitchen living room stair and deck to be removed and to be replaced with landscaping;

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- proposed outhouse toilet and small store;
- minor adjustments to pool and sunken seating layout;
- minor adjustments to new stair;
- new slightly larger opening from the kitchen facing west to the terrace;
- new canopy pergola and parapet wall west from kitchen;
- ground floor stair to first floor extension removed and replaced with a small living space;
- minor adjustments to laundry and pool plant room; and
- gym skylights removed and replaced with high level fixed translucent windows.

598/21 - MA/17890/21 Laguna Bar, 19 Laguna Estate -- Proposed refurbishment and extension.

Consideration of proposed Minor Amendments:

- proposed terrace enclosure and proposed awnings.

### **599/21- Any Other Business**

JH queried whether some minor amendment applications are being determined by the Subcommittee when they involve significant changes. JH referred to a number of examples that were on the Agenda.

The Chairman responded to each of the examples quoted explaining the circumstances and confirmed that these did not involve significant changes.

DTP also clarified that the Planning Department will only accept an application as a minor amendment application if it considers that the changes will not have any significant effect on the approved scheme. If this is not the case, then a full application is required. DTP also clarified that a full description of the minor amendments is included in the Agenda so that the public can understand what the changes are.

There being no other business the Chairman thanked members for their attendance throughout the year and remarked that he looks forward to the meetings during 2022.