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DPC meeting 1/22
20th January 2022

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 1st meeting of the Development and Planning Commission held remotely via video conferencing on 20th January 2022.

Present:

Mr P Origo (Chairman)
(Town Planner)

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

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

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr K De Los Santos
(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 (VO)
(Rep Commander British Forces, Gibraltar)

In Attendance:

Mr P Naughton-Rumbo
(Deputy Town Planner)

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Mr D Francis
(Minute Secretary)

The Hon D J Garcia
(Deputy Chief Minister)

Mr M Cooper
(Rep Commander British Forces, Gibraltar)

Apologies:

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The Chairman welcomed the members to the first meeting of the year 2022.

1/22 - Approval of Minutes.

No amendments were received on the minutes and the minutes were unanimously approved.

Major Developments

2/22 - O/16766/20 -- Lewis Battery (Former Pig and Poultry Farm), Queens Road Upper Rock -- Proposed demolition of existing outbuildings and construction of a hotel.

DTP said that this application is a revised outline planning application at Lewis Battery for demolition of the existing outbuildings and the construction of a hotel. DTP reminded the Commission that the application had been previously considered in October 2020.

DTP said that the applicants wished to address the Commission and there was one of the objectors who also wanted to address the Commission. DTP explained that the application consisted of a twenty-five-bedroom hotel, in the form of a three-storey building, and it includes the refurbishment of the adjacent Lewis Battery. DTP said that the site is located in the Nature Reserve and it is within a designated Special area of Conservation, Special Protection area, and the buffer zone to the World Heritage Site.

DTP said that the previous application was deferred by the members of the DPC because they were not happy with the proposal that had been submitted, in particular, the scale, massing and the height of the building. DTP added that the Town Planning recommendation at the previous meeting in October 2020, was that that the design concept needed to be comprehensively reviewed and rethought completely in order to comply with the Gibraltar Development Plan Policy.

DTP explained that the main changes have been the removal of the pitched roof element, they have also modified the colour scheme to try to blend into the surrounding area and they have introduced some additional greenery on the facades of the building, particularly around the central block to try to break up the massing.

DTP summarized the Consultee's comments.

DTP said that the DOE (Department of the Environment) had made previous comments objecting to the application. DTP added that they had not submitted new comments on this application other than in relation to refuse. DTP said that the DOE's previous concerns were regarding the impact or the environmental effect of the infrastructure requirements, traffic noise and light pollution. He also said that if it were to be approved, there would be a requirement for a Visitor Management Plan.

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DTP said that the GHT (Gibraltar Heritage Trust) did not submit new comments on this application but had previously objected to the size and nature of the proposal.

DTP said that the Ministry of Heritage would require a Heritage Impact Assessment and they have also pointed out that painting Lewis Battery in the green colour scheme, was detrimental to the battery and that it should be reversed if this application were approved. DTP added that they would also require an Archaeological Survey.

DTP said that the World Heritage Office considered that there is a potential impact on the World Heritage site buffer zone and if it were to be approved, a heritage impact assessment will be required.

DTP said the TSD (Technical Services Department) have noted that there has been no reduction in the number of stories to the proposal compared to the previous scheme.

DTP invited Mr Abrines, the objector, to address the Commission.

The Chairman acknowledged that Mr Abrines had failed to connect to the online meeting and instead asked DTP to summarize his objection submitted in written form.

DTP summarized the main points of the ten objections received.

- There should be no development in the Upper Rock Nature Reserve.
- That it was not in keeping with their surroundings and was an unsightly development.
- There were concerns about increased traffic movements in the Upper Rock Nature Reserve.
- There was also the issue of air, noise and light pollution arising from both construction and operation of the proposal.
- There was concern about the proposal disturbing the flora and fauna of the area.
- There was also a comment in relation to the fact that only residents can enter the Upper Rock Nature Reserve at night so that that would represent an issue in terms of the operation of the hotel.
- There was reference to the fact that additional space would be required on site for servicing needs.
- There was no evidence of electrical vehicles being viable options for visitors.
- Lewis Battery should be open to the public.
- That renewable energy sources such as wind power, and solar panels were a danger to migrating birds.
- There was no assessment of services to or from the site.
- There was also comment that the advice that had been issued at the last meeting by the DPC had been ignored.
- There was concern that this could open the doors for residential development within the Upper Rock Nature Reserve, which relates to the issue of precedent.

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DTP then invited the applicant to address the Commission, Mr Christian Revagliatte (CR) and Mr Joseph Pilcher (JP).

CR said that they went through trying to break the horizontal lines of building and trying to isolate, instead of having one big mass. CR said they tried to isolate the northern and southern side by separating it with two green wall elements on either side of the central court, giving the impression of having two buildings rather than one long terrace. CR said that the main change from having a pitched roof to the flat roof resulted from commentaries in the previous DPC meeting, regarding the loss of open space at ground level and what this does is replicate the space at ground level onto the roof so that birds may feed off the brown roofs. CR said that in terms of the colour scheme, they have actually opted for greener tones rather than the earthy tones they had before as the green tones blend in more in with the surroundings.

JP said that the previous objections, which have been largely repeated, were answered at the time and that they are conscious of the fact that they need the Nature Protection License and an environmental assessment. JP pointed out that the ESG (Environmental Safety Group) made a public statement and requested objections and there was not such a public outcry against the development, just the usual amount of objections from the people that normally object to developments in the Upper Rock.

JP stressed that there are benefits, which a rural hotel creates, and there should not be a question on whether it should or should not be permitted as long as it is in line with the Nature Protection act. JP said that the DPC should consider whether the hotel is in keeping with what is required in the area. JP said that the hotel is not meant to attract the average tourist but more along the nature of environmentalists or for people interested in studying nature and environment. JP added that one floor had not been taken down because by removing the pitched roof, the visual impact was that it was a much lower building. JP said that it could not be seen from anywhere as opposed to other houses in the area, which kept growing bigger and bigger.

The Chairman asked the architect if they could substantiate the reduction in massing and volume in square metres from the illustrations they had provided.

CR said that there had been no change in square metres but they had reduced the height by almost 1.8 metres.

The Chairman asked the architect to confirm whether anybody can visit the site, despite not being a resident of the hotel once opened.

JP said that the site is not accessible at the moment as the only access point is by steps to the south of the site and which have been derelict for years. JP said the intention is to enhance and refurbish the battery in conjunction with the Ministry for Heritage and the GHT. JP confirmed that the site would be open to the public regardless if they are a hotel guest or not.

DTP summarised the department's and consultees assessments.

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DTP said that they have taken on board all the revised changes and they understand the reasoning as explained by CR.

- DTP said that the reality is that the change is mainly limited to the omission of the pitch roof elements.
- There has been no complete rethink of the whole design concept as previously advised by the DPC. He added that their previous conclusions would still apply.
- The site lies in a protected area and subject to various designations.
- GDP Policy Z 9.2 is a very restrictive policy and whilst hotel use could be an acceptable use, it must be small scale and have very little impact on the Upper Rock Nature Reserve. What was stated in the previous application was that this would not be considered a small-scale hotel in the context of the policy. DTP said that what the policy was envisaging was the kind of situation where you may have a few rural cottages embedded in the landscape, which would have no impact in either visual impact or in terms of generating traffic or even people within the Upper Rock Nature Reserve.
- DTP said that if anyone actually looked at the site from perhaps Queensway or Coaling Island, it is actually very visible.
- There is also concern about significant environmental effects arising from the type of infrastructure that will be required.

DTP said that whilst the TPD acknowledges the benefits of a hotel including the proposal to have an interpretation centre and the proposed refurbishment of the battery, these are not considered to outweigh the objections, and they would recommend refusal of the application on that basis.

JH said that she concurs with DTP in his summation and that nothing much has changed. JH said the massing was always a big issue for the ESG. JH said that the ESG firmly object on the same grounds.

The Chairman asked JH if they would object to a hotel on site of a smaller scale.

JH said that the GDP, as DTP has said, permits something on there, but not to the scale being proposed. It is a completely different scale that has been proposed.

KB said that he concurs with the TPD's recommendations and with JH's comments. KB said that although some arguments made by the developer are fair in principle, fundamentally, this is a small reserve that is very close to the urban centre from which it is easily accessed and which already receives more visitors than is healthy for the natural environment. KB said that many of the objectives and benefits cited would be just as applicable to a small hotel that lies just outside the boundary to the Reserve. KB made reference to the proposal for the new developments at Arengo's that included trails into the nearby Reserve for residents and did not think that they need a hotel inside the Reserve itself in order to access the Reserve, and therefore GOHNS would be voting against the proposal.

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CAM said that their comments remain pretty much the same and agreed with what DTP had summarized. CAM said that in regards to the Battery, the restoration is something that needs to happen in its immediate future and it is an attractive proposal that is attached some way to some regeneration of the wider area. CAM believes that the restoration would become an attraction in itself that could potentially give some sort of activity to the area and be beneficial to the owners.

MESCE said that he would have to recuse himself from voting because should the application go through, he would have to take a view on the application for a development licence under the Nature Protection Act, and Nature regulations.

The Chairman said that it is a complicated situation to decide. The Chairman shared his views on the arguments presented and felt that the issue was, in summary, the architectural form, the massing and the volume. The Chairman said that in terms of public accessibility, he felt that the benefits that could come from a hotel would be the site opened to the public allowing access to the WWII Battery and with conditions for planning, if approved, which would mean that the public could enjoy Lewis Battery, whereas today, nobody can. The Chairman asked the Commission, whether they would vote in favour or not of a hotel.

DTP asked the Chairman to clarify that if the Commission was going to take a vote on the principle of a hotel, that it would need to be a completely different concept to what is being proposed in order to comply with the policy. In other words, it would need to be something much more small scale and more in line with what the Development Plan envisages as explained earlier.

The Chairman said that there were two aspects to this application, the hotel aspect, which the GDP policy allows us to decide on, and then the actual contents of the architectural composition, massing and visual impact of the hotel. The Chairman believed that they ought to decide on both items separately.

KB said that he did not believe that the DPC were there to vote on whether they agree with the principle of a hotel. KB said that they should vote on the merits of this particular proposal and if there is another proposal for a hotel, then the DPC will base their decision on whether or not a hotel is acceptable in principle.

A discussion ensued and the main points were:

- The Chairman said that because the application involves two aspects, land use and architectural form, the land use needs to be determined as well.
- JH said that the applicant has had the opportunity to submit a revised proposal that had been rejected the first time in terms of massing and what has been resubmitted consists of exactly the same massing, which they think is a viable proposition. JH said that the DPC should just decide on the merits of the proposal either yes or no.

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- MESCE also agreed with JH and KB and disagreed with the proposal by the Chairman. MESCE thought that the Chairman's would not be helpful and that the DPC should take a decision on the application as submitted.
- GM said that it is a bit unfair that the Commission should now split the decision on whether the Commission is mindful of accepting an hotel use. GM said that if the Commission is mindful of accepting a redevelopment of the site, it does not leave themselves the option of considering any other use, which might be acceptable to the Commission.

The Chairman moved to approve or disapprove the application as submitted subject to architecture conditions to revive the scheme substantially.

The Commission voted on the application:

In Favour	1
Against	9
Abstentions	0

MESCE recused himself from the vote.

The application was refused by majority vote.

3/22 - O/16992/20 -- South Site, Both Worlds, Sir Herbert Miles Road -- Proposed construction of residential development and car parking.

DTP said that this is an outline planning application and what is under consideration is the Town Planner's EIA (Environmental Impact Assessment) Screening Opinion. DTP added that Sarah Mendez Roldan from Ramboll, who is the environmental consultant for the applicant, is available if there are any questions from the members.

DTP noted that the site is located at the south end of Sandy Bay and it is mainly vegetated slopes. DTP said that there are some historic structures there, mainly world war two structures, and there are the remnants of what was originally the swimming pool at Both Worlds, that became subsequently a car park that was washed away by storm damage. DTP said it is located close to the Gibraltar Nature Reserve, the Marine Nature Reserve and Special Protected Areas.

DTP said that development entails some excavation of this site. DTP explained that the intention is to construct a seven storey residential apartment building, which is going to be designed in a contemporary style. The development proposes to provide 13 apartments within that building, together with two levels of car parking. DTP said there is also a detached three-storey house, which is built on an elevated platform linked to the apartment building via a bridge. DTP reported that thirty parking spaces are to be

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provided, fifteen for the occupiers of the development and fifteen for others with vehicular access via the existing ramp, which leads down to the beach.

DTP stated that Ramboll, the applicant's Environmental Consultants, had submitted an EIA Screening Report, which had been circulated to all members together with the draft Screening Opinion and other information. The main points to note from the screening report were:

1. In terms of water quality, sometimes there is a concern with potential interaction between the site and the marine environment. The consultants pointed out that the footprint of development does not encroach into the sea and that the CEMP (Construction Environmental Management Plan) would include mitigation to minimize any risk of any interaction.
2. In terms of geology, the issues relate mainly to rock fall and to the stability of the site itself. DTP said that subsequent to the initial screening report, the consultants submitted an initial geotechnical assessment that has been checked by the TSD, who have stated that they would require a more detailed assessment that would need to fully consider the risks of rock fall and the stability of the actual site itself.
3. The Department of the Environment did have some concerns about potential vibration effects on habitats and destabilization of the site. Those concerns would be addressed through the process of a full geotechnical assessment.
4. In terms of Ecology, the consultants have prepared a screening for an Appropriate Assessment because of its proximity to the designated sites of protection. The applicants subsequently carried out a terrestrial ecological survey that identified and catalogued all the habitats and species found within the application site.
5. The ecological assessment did identify there will be some habitat loss and has some effects on protected species. DTP said that various mitigation measures have been put forward to minimize the effects. The post construction landscaping strategy would make provision to replace the invasive plant species, which are fairly dominant on site with native species creating a positive effect. DTP added that they would relocate important plant species back onto site and there is reference made to the Jewel Beetle, which was identified on site.
6. DTP said that there would also be specific measures in place set out in the Construction Environmental Management Plan to mitigate any possible effects on reptiles, birds and bats and that the Gibraltar Museum would require a bat survey to be undertaken prior to any construction starting.
7. In terms of traffic and transport no significant effects were anticipated with mitigation in place, which would include the control and management of traffic during construction.

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8. DTP said that there would also be the requirement that a noise and vibration assessment is undertaken and submitted in support of any full application.
9. In terms of landscaping and visual amenity, it was generally accepted that there is concern with the visual impact and loss of views, both into the site and out of the site. This would best be addressed by undertaking a formal Landscape and Visual Impact Assessment at the Outline stage of the application.
10. In terms of cultural heritage and archaeology, a heritage impact assessment has been submitted in response to comments from the World Heritage Office that found negligible but permanent adverse effects on the World Heritage Site and its buffer zone.
11. The Ministry of Heritage, if the application went ahead, would require the full application to be supported with further information, such as a historic building survey, details of interpretation and archaeological monitoring.
12. In terms of climate change, it is largely addressed through the geotechnical assessment in terms of the design, taking into account erosion. A flooding risk assessment would also be undertaken in support of the full application.
13. In terms of lighting and the potential effects that it could have on bats, a lighting plan would be required to accompany the full application.

DTP said that in conclusion, having taken into account the reports and information prepared by the Environmental Consultants on behalf of the applicant, together with the proposed mitigation measures the TPD's view is that it is not likely that there will be any significant environmental effects and therefore, there is no requirement for a full environmental impact assessment. However, a Landscape and Visual Impact Assessment would be required at the outline stage and if approved, the full application would need to be supported by the various reports already mentioned.

The Chairman explained that the TPD's Screening Opinion would be passed on to the Hon Albert Isola Minister for Town Planning, together with all the comments received in full and along with those from the DPC members for his Screening Direction.

JH said that although DTP had mentioned in the report, one area of impacts on landscape, there were other areas that the ESG remain very concerned about. JH said that it is a public amenity as it is and it is a natural area and important in terms of ecology. She thought that it is very small space, with very little access.

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JH said that there were all kinds of practical measures and areas to be mitigated and is still not very convinced about how the development is going to work, or what it is actually going to look like apart from bird's eye view of the buildings. JH added that the proposal involves the widening of the beach ramp to the site, which is very narrow, and there are no real visuals or plans showing to what extent this will need to be done. JH also noted the trees that are surrounding the ramp itself and believed that they could be at risk of removal in order for the access to meet safety requirements such as visibility at the junction.

JH was concerned with the lack of detail on how public access to the beach via the ramp will be catered for particularly in the busy summer months. JH was concerned that no photomontage had been prepared showing the development when viewed from the rocky outcrop to the south that is a popular viewpoint and therefore the full impact of the development was not clear. The Chairman stated that the TPD shared JH's concerns and will advise the applicant to dramatically change the design.

DTP assured JH that the TPD is requesting a formal visual impact assessment and they would need to agree the viewpoints with the body that undertakes that visual impact assessment. DTP informed JH that if there are specific viewpoints that they required, the TPD could insist that those are included in the formal assessment.

The Chairman stated that they would require more visuals from the ground, from the roadside, from the beach, and from the viewpoint. JH acknowledged that Ramboll and the applicants have already been asked to amplify the number of viewpoints originally submitted, and they have added another five or six. However, views from the promontory outcrop were very important given the trajectory of this site. JH was aware that there have been discussions with Government and with the applicant in the past about making the promontory outcrop publicly accessible and this would make a really important interpretation site because of the position it is in the uniqueness of the area. JH added that it would be crucial to see how this viewpoint would be impacted by the proximity of the buildings.

The Chairman said that if the application were to be approved it could be a condition that a proper viewing platform be created as part of the development proposals.

The Chairman concluded by saying that the Screening Opinion would now be sent to the Minister for his Screening Direction as to whether or not EIA is required.

4/22 - F/17629/21 -- Part of First Floor, 269 Main Street -- Proposed refurbishment/conversion works and change of use from offices (Class A2) to residential (Class C3).

DTP said that it is a full planning application for the refurbishment and conversion of a vacant office unit and the applicant will be addressing the Commission together with an objector.

DTP summarized the proposal with the following main points:

- The site itself is only part of the first floor of this building, which is a six-story building.

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- The building is undergoing extensive refurbishment and extension already under a different application.
- It was a vacant office, which is to be converted into residential.
- They are creating two one-bedroom apartments and one four-bedroom apartment.
- There are no changes to the facade of the building.
- The objections relate to two windows, which are being created and face into a light well within the stair core.
- The purpose of the windows are to introduce natural light into two bedrooms.

DTP had no feedback from departments/ consultees to report on.

DTP invited the objector, David Richardson to address the Commission.

As the objector failed to connect to the meeting DTP proceeded to briefly summarise the objection.

DTP explained that the objectors are the freeholders of the property and they are the ones carrying out the overall refurbishment of the building. DTP said that they have objected to the introduction of these two windows, because they were not in keeping with the development, which is currently being undertaken. There was also a comment about the fact that there was a communal door, which was not shown on the plan.

David Richardson (DR) joined the meeting.

DR said that it is very simply that the application proposes to put some window openings within the main staircase and he thinks that it is important to put into context that he is acting on behalf of the freehold owners of the property and the applicant is the leaseholder. DR said that they are objecting because it is not in keeping with the rest of the development. DR also stated that the lease boundary of the applicant is the inside face of the wall and this is actually going to be a structural alteration going into the common parts or the reserved property.

The Chairman asked DR if the freeholder has a right to stop the works anyway by way of an injunction.

DR explained that the interpretation and the advice they had been given is that aside from planning permission, the applicant would also require landlord consent. DR stated that the applicant would need planning permission and landlords consent, and objected to the planning permission on those grounds.

DTP invited Mr Stephen Martinez (SM) to address the Commission on behalf of the applicant Mahtani).

SM said that there is a shared responsibility on this building and as a point that maybe might need to be checked or whatever legal requirements agreed between legal opinions will have to be subject to a secondary discussion because as far SM and the applicant were concerned, they were told to use the existing outline of the premises, which includes windows and doors.

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SM said that there are no structural changes as such and that there are two existing openings that they are reopening. SM wished to highlight that is an existing window providing natural light to the landing, which has not been mentioned. SM said that all they are trying to do is a little proposal within the existing premises that does not affect anybody and building control will have a say on whether the staircase needs to have fixed glass, fire resistant or double glazed glass. SM stated that they would not weaken the design of the upstairs owners because that is not their intention.

SM said that the applicant would be happy to change the windows to match whatever needs to be done.

Ms Mahtani said that they thought it would be better to change the use to residential apartments to match the use of the rest of the building.

GM said that historically, the Chairman has always advocated these are not planning issues and as such, he should not be commenting on what are primarily building control issues.

The Chairman explained that because there are objections to the application, the Town Planning system does not allow us at subcommittee or any forum other than the DPC to have it debated in public. The Chairman said that it is up to the Commission to decide when there are objections and counter objections on the merits of an application.

MHEYS stated that the freeholder and leaseholder have to come to an agreement as this dispute was over a legal matter and not a planning matter.

DTP summarized by saying that from the TPD's point of view, they would be recommending that they have no objection to the change of use and no objection to the windows, subject to them being opaque to ensure maintenance of privacy. DTP said that they recommend that the application be approved on this basis.

The Commission voted on the application and the application was unanimously approved.

It was agreed to bring forward Item 12 of the Agenda as it involved the same property and participants.

5/22 - MA/17667/21 - 267-269 Main Street - Proposed Conversion of part Commercial Premises into cafeteria/restaurant and stores and refurbishment of first floor offices Consideration of proposed minor amendment:

The removal and rebuilding of a boundary wall between the east of 267-269 Main Street site and west of 22-234 Town Range site abutting the north of the Law Courts

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DTP explained that this application is a minor amendment and it is for the removal of a boundary wall that exists between the property at 267 Main Street and a property at Town Range and partly the Law Courts. DTP said that a wall that is deemed unstable is required to be demolished and there is a dispute between the applicant and objector from the previous application. The objector has a store below the level where the wall is situated.

DTP said that it is currently a seven-metre high wall and the proposal is to demolish it and then rebuild with a new wall of three and a half metres in height. DTP said the wall would be replaced with a rendered blockwork wall, which would be insulated and waterproofed to meet current building control standards. DTP stated that this new wall would encroach slightly into the store area of the objector's premises.

DTP said that there were no comments to report on from the consultees.

Ms Lisa Mahtani (LM) was invited to address the Commission. LM said that over the last nineteen months, they have had many sources of water ingress into the store and would like protection over their store. The objector also said that the actual wall is going to take forty centimetres from the storeroom and that it devalues the value of the storeroom, meaning that they can charge less rent. The objector stated that it was a legal issue because the freeholders are not allowed to encroach on space and this was actually being dealt with by the lawyers.

LM said that the last objection is that they do not have confidence in the contractor that the applicant is using because over the last two years, they have had six properties damaged by this contractor. LM said that they object to the proposed wall being half the height, because they believe that it will offer a lot less protection. LM wanted the Commission to note that they have actually had three break-ins by the freeholder, in an attempt to commence the works, prior to getting their legal consent and approval by the DPC.

DR believed that the case has been explained really quite clearly, in that the wall has been condemned structurally and requires its replacement and they have, so far as possible, to correct this building defect without the need of entering the store but their structural engineer has deemed that it is simply not possible. DR explained that the only other way to do it would be to encroach on the adjoining land, which is something they cannot do. DR said that, the driving factor first, is to reduce costs by putting it down to three and a half meters, as it is simply less massive and cheaper to construct. DR said that he actually saw this as a win/win situation, where rebuilding the wall, adding waterproofing, and bringing this very poor construction up to modern standards, was beneficial. DR also said that he does not believe a wall being higher gives more protection from rainwater.

DTP asked LM whether she would agree that she would be better off if the wall is reconstructed with proper weatherproofing and insulation. DTP also explained that because her property backs on to the development at Town Range, which is currently under construction, it would eventually be back to back

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against the new building that is some 9m in height and therefore will offer even more protection that they have at the moment.

LM stated that what they want to do is be civilized getting everything done properly, and follow the proper process rather than having people break in. LM agrees that they want the waterproofing, but believe that the correct process should be properly adhered to.

DTP said that the TPD recommended approval of the application as submitted.

The Commission voted on the application and the application was unanimously approved.

6/22 - F/17740/21 -- 4 St Christopher's Alley -- Proposed conversion of approved and existing flat roof areas to provide residential amenity space.

DTP said that this is a full application at 4 St Christopher's Alley. He said that the property is one of a group of three ex MOD detached houses up at Europa. DTP explained that they date from post WWII, but designed in a distinct colonial style, with arched colonnades, flat roof and with a roof parapet. DTP stated that there has been some modernization to the three houses under different applications and some extensions have been allowed but the character and the style is generally being maintained throughout these applications.

DTP said that this application is to propose the creation of a usable space on the roof of the building, which would involve the provision of a stair core to provide access to the roof area. It would still be a green roof even though it would be usable and it would incorporate other structures such as a sauna room, jacuzzi, storeroom and a pergola. DTP said that a glazed balustrade would also be incorporated around the perimeter of the terrace.

DTP said that the Ministry for Heritage has objected to the application and their view is that this would break up the visual conformity with the adjacent buildings, and have a detrimental effect on the architectural integrity of this building itself, also leading to an adverse effect on the streetscape.

DTP said that the TSD also objected because it deviates from the existing architectural massing of the adjacent properties and the use could be accommodated within the garden area. DTP reported that the application was subject to public participation, and there were no comments.

Jonas Stahl (JS) and Steven Martinez (SM) from Arc Designs and Peter Cabezutto (PC) who is the applicant were welcomed to the meeting

JS said that the volume and massing of the three houses, because of the different applications that have been carried, out is already disparate. JS pointed out that the visibility of the roof scape is relatively limited from Europa Road and that there is a substantial garden in front of the house meaning that the view from the ground level is quite bleak. JS said that the applicant has purchased the property with the

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intention of making it his family home and they just want to make use of it in the best way whilst causing the minimum of obstruction in terms of massing and aesthetic.

SM said that the impact on the surface area that is used on the roof is a minimum and that glass is very minimalistic in terms of intrusion. SM referred to Fremantle House, a property opposite in the area with practically identical features and thought the proposal was in keeping with the area.

PC noted the student accommodation building in the area and said that the area has changed since. PC said that they tried to keep it as low key as possible.

DTP summarized the application with the following main points:

- DTP acknowledged that the adjoining properties had alterations and extension but had not made any proposal to make use of the roof space.
- The TPD's view is that the proposal will detract from the uniformity of the three buildings, and considers that it will have a detrimental effect on the architectural integrity of the buildings.
- The views from Europa Road have already been eroded by other developments in the area but there is still a vista available to a certain extent and the proposal will encroach into this.
- If permitted, it will set a precedent for the other buildings as well.
- Fremantle House does not form part of this kind of cohesive group in the same way that the proposed building does and did not display the colonial style architecture present on this building.
- There was a requirement for all these roofs to be green roofs, and the TPD require that to be maintained.

DTP said that the TPD's recommendation would be to refuse the application for the reasons given already.

CAM concurred with the DTP's report and said that the building has been substantially extended already. She said that in their view, there should be no extensions or additions that project above the roofline. CAM agreed that the building could not be compared to Fremantle or modern constructions in the area, and by putting the pergola staircase on the roof, would contribute to a steady erosion of the area.

CV said that it is a shame not to use valuable space in Gibraltar; however, he understands that a staircase jutting up could create a visual impact. CV suggested that perhaps a way forward would be to have an alternative suggestion to what is the actual housing. CV stated that he would not have any issue with the terraces being used. CV asked if skylights would be an option that could be considered by the applicant.

MESCE said that he did not share the planner's views. MESCE said it was a relatively small incursion and thought that the use of roof space in Gibraltar is something to be welcomed. He also said that considering the area, he does not think it makes such a large impact.

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MESCE added that he would have been much more worried if there had been an application to build on the garden and wanted it noted that the garden is being kept as an open space, and there is no application there. MESCE supported the application.

JH agreed with DTP, CAM and CV as she would not like to see any further height on the buildings but would like to see what exists there maintained.

MHEYS asked if there was a possibility that the DPC can approve this if the height of the block to the staircase can be lowered or reviewed.

MHEYS said that it is a good idea to use the terraces as usable space. MHEYS said that he was concerned about the fact that the green roofs have not been properly maintained and therefore defeats the purpose. MHEYS suggested that by having access to the roof the green roof would be better maintained.

GM said that he was taking note of what the members are all saying and he is mindful of the fact that it is the potential loss of vista, which is mostly being objected to. GM suggested the use of a skylight hatch to provide access to the roof. GM thought that as part of the condition, the Commission could include a condition to become a protected vista from roadway, which will ensure that there is no future potential ability by the applicant or the owners of those houses to actually build beyond the existing skyline.

KB echoed the point that GM made regarding the protection of the vista, as he believes it is extremely important. KB said that he would have been a lot more sympathetic to the proposal if this house did not already have ample open outdoor space and a large garden. KB said that it is important to highlight that there are different types of green roofs, and green roofs are not necessarily gardens.

CAM noted the discussion on having some sort of access hatch, and that they are not objecting to the use of the roof space. CAM said that the issue is with anything that projects above the existing roof space, but of course, the applicant can go up, sit up there, and take in the view.

JS wanted to note that the existing project as approved already had a hatch in it for maintenance access to the roof. JS said that if they could, in lieu of what is currently proposed, have a skylight element that is kept to parapet height, their client will be more than happy to amend the scheme. JS also said that in addition to that, to allow safe use of the roof scape, there would be a frameless glazed balustrade to the perimeter to allow that space to be used.

The Chairman asked the applicants that if the application went ahead with the proposed amenities, what would be done in order to secure their privacy.

JS said that the biggest overlook is from the student-housing block that was built adjacent and that is not going to change irrespective of what they may be proposing.

A discussion ensued with the main points being:

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- MESCE suggested that the application was deferred so that the applicant could come back with a proposal that would meet the requirements, as the members were not objecting to the use of the area.
- JH said that they were still concerned about the impact on the vista. JH said that with the agreement of the uses followed on by privacy issues, and constructing something on the roof, there will still be some concerns.
- JS confirmed that the applicant was amenable to omit the proposed structures from the rooftop, considering the installation of a sky hatch access.
- DTP suggested to approve the application in principle subject to submission of details of a sky access hatch rather than defer the application.. DTP said that the Subcommittee could approve those details.
- MESCE agreed with DTP's suggestion that they go ahead with those conditions rather than defer.

The Chairman asked the Commission if they would approve unanimously with suggestions from the planners being, a hatch access to the roof, a boundary glass balustrade and possibly Jacuzzis. The Chairman said that the rest of the roof could be a brown/green roof, as suggested by KB.

The application was unanimously approved on that basis.

7/22 - MA/17739/21 -- 4 St. Christopher's Alley, Europa Point -- Proposed refurbishment of property, including new extensions, external works and swimming pool.

DTP explained that this application was for the same property and provided the summary. The main points were:

- DTP said the applicant is discharging one of the conditions on the original application for the refurbishment of this building and wants to use black window frames throughout the property.
- The TPD advised that using black window frames was not acceptable.
- This group of the buildings form a cohesive grouping in terms of architecture, and the other two buildings, both have white windows and advised that they should keep to the white windows to maintain the uniformity.
- Fremantle House and the student accommodation block are different situations to this, with the latter being a contemporary building.
- The orangery referred to at St Christopher's Alley is a single storey extension at the back of the house and it is not visible by the public.

DTP said that the TPD were recommending refusal of the choice of black material, and they would insist that it should be white.

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JS said that by using black material for the windows, they felt that it would be something that would have very limited visibility on the public realm. JS referred to the stone block building, which is a heritage building, and is being very successful and they wanted to replicate it.

CAM said that the stone block is a building that stands by itself whereas these are a set of three buildings and changing the colour of one, will upset the set. CAM said that they would not be supporting the application.

CV asked for clarification on the colour schemes of the three buildings.

DT confirmed that the adjacent properties had a pale yellow and a white colour scheme.

JS confirmed that the applicant was proposing an off-white colour scheme.

CV said that he did not agree with imposing an issue of detail on the windows, and would not object to the suggestion of black designs.

CAM said that they should remain in uniformity.

DTP said that the TPD had actually taken note of the fact that the third building was a slightly different colour but their view is maintained in terms of the windows as an architectural feature of the building. DTP said that it would have a disjointed effect because the others are all white.

The Chairman acknowledged the differences of opinion and called a vote.

In Favour	5
Abstentions	0
Against	6

The application was refused by a majority vote of 1.

The Chairman called a break at 11:55am and the meeting continued at 12:10pm

8/22 - F/17761/21 -- Flat 3, 15 Gardiner's Road -- Proposed roof top extension.

DTP said that this was a full planning application at a property at 15 Gardiner's Road. DTP said that there are objectors wishing to address the Commission and the applicant will be addressing the Commission.

DTP summarized the main points proposed as follows:

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- DTP said that the proposal is to add an additional storey to the existing building.
- The application site is on the top floor apartment, which currently has two parallel pitched roofs.
- The proposal is to remove the existing pitch roofs. DTP said that the front roof would be replaced by a front terrace and the rear roof, will be replaced by an additional storey.
- The additional storey will include a green roof over and solar panels.
- There will be a brise soleil provided to provide shade to the new extension.
- The north elevation proposed arched window that will match the ones on the side.
- The fenestration will consist of full height glazing to the rooms.
- Two options for treatment of the terraced area were proposed: glazed balustrades or steel railings, which are in keeping with the railings that are shown on the property from the premises below.
- DTP said it was worth noting that there was a previous planning permission granted in 2006, for a similar proposal for an extension.

DTP said that there were no comments to report on from the consultees.

John Brancato on behalf of Estrella Oliverio had lodged the following objections.

DTP said that the objections are on the grounds that the proposal is considered to be a poor design and not in keeping and that the extension will be built in front of their pool and terraced area, would overshadow them and they also state as grounds of objection the fact that it would devalue their property and there will be loss of views.

Nigel Garcia (NG) addressed the Commission.

NG stated that he supported the applicant's idea to extend the property but not in its current design. NG said that he would be particularly focusing on the impact of the proposal's aesthetics, and only offer constructive criticism, hoping to highlight the potential this proposal has, regardless of its scale, to contribute positively to the Gardeners Road streetscape.

NG continued to present a slideshow to the Commission.

NG commented on the current proposal, which removes the two existing pitch roofs started to make way for the single storey extension at the rear and the large terrace along the front. NG said that the concept is perfectly fine, but the aesthetics are unsympathetic, the extension appears to be in isolation added to the top of the building with little regard to the entire development, and can best be seen through its haphazard constellation of windows.

NG presented various schemes and ideas to the applicant as a suggestion on how to make the development more sympathetic to the area. NG said that he wanted to express how this project has the potential to enrich this tired looking building while still providing the applicants spatial requirements and

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it could result in a beautiful property to be proud of, after having invested in it and improving the neighbourhood through its design and architecture.

Daniel Rios (DR), on behalf of the applicant, wanted to thank NG for his comments and suggesting different methods. DR explained that when they undertook the scheme, the principle was to try to keep it as simple as possible and to try to minimize the impact this scheme could have in the overall aesthetic of the building.

DR said that the applicant wanted to keep it as simple as possible and similar to the originally approved application in 2006, with the mitigation of removing the pitched roof and replacing it with flat brown roof with solar panels. DR said that they are always open to new suggestions and new methods of designing if the DPC feels that it is required. DR stated that they have issues with the rear property about the right to views which in Gibraltar, do not stand, and the amenity that the swimming pool can have against their development. DR said that the objector still has a massive area and they have tried to keep the building as low as possible to minimize the impact this extension can have.

DTP summarized the TPD's report as follows:

- DTP said that the principle of an extension of this nature was previously established with the planning permission granted 2006.
- The TPD does not have any objections to the proposal for a flat roof.
- It allows for the introduction of green roofs, and has the benefit of reducing the overall height of the development for the neighbouring properties.
- East elevation is bland and uninteresting and could be embellished through the use of design features such as floor bands or perhaps more recessed areas to this facade.
- The TPD does not consider that the fenestration of the extra storey would be highly visible and they do not consider that the proposal will particularly detract from the character or appearance of the building or even the area generally.
- The TPD agreed with NG's earlier comment regarding the treatment of the terraced areas and the use of steel railings.
- The TPD does not have any objections to the proposal.

DTP said that the TPD did not consider that there were any grounds for requiring a change to the design or even refusing the application. DTP said that they would be recommending approval of the application as submitted and they would suggest that conditions included requiring a slight redesign of eastern elevation to reduce the impact on the neighbour and the use of steel balustrades to the front terrace.

The members of the Commission voted on the proposal and the application was unanimously approved.

9/22 -F/17801/21G -- Gibraltar Parliament, 156 Main Street -- Proposed refurbishment of building, including installation of an internal passenger lift.

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DTP said that this is a Government application for full permission at the Parliament building in Main Street. DTP said the proposal entails the refurbishment of the building, which includes installation of an internal Passenger Lift. DTP said the proposal is to refurbish the building for the benefit of the public, staff and the members of parliament themselves. DTP explained that this involves internal alterations to improve the distribution of space, to provide public meeting areas as well and also involves the removal of the existing canopies that were constructed in the context of the cafes that used to exist on the ground floor of the of the building.

DTP said that there were no real comments to report back from the consultees other than just to note that the Ministry of Heritage would require an archaeological watching brief, mainly in relation to the construction of the lift, and that the proposal would need, in addition to planning permission, a heritage license.

DTP said that the planner's assessment was to welcome this proposed refurbishment, and welcomed the resolution of the issue of providing a lift to improve access for the public. DTP said they also welcome the removal of all the extraneous structures that have crept up over the years to open up the building to public views, and to ensure that the setting of the building is properly maintained. The TPD recommended approval of the application.

CAM said that they welcomed the provision of the lift internally as the GHT was always opposed to the external lift. CAM believes that it is for the greater good of the Parliament, to operate as a unified building with all its services within it and that they have been consulted, as the designs have progressed. CAM stated that there was one small one detail that they wanted to consider and were still discussing with the architects, and that was just the treatment of the lobby.

CAM said that they have no objection to the enclosure with glass, as long as the railings were kept in some form to keep that appearance on the façade.

MESCE agreed with the points made and felt that losing the gates makes us lose something. MESCE said that some consideration should be given to keeping the look of the gates in some form. MESCE said that he supported the application.

The Chairman was concerned that there is no disabled access to the rooftop terrace and feared that it would not be able to be enjoyed by disabled persons.

MHEYS suggested extending the lift shaft to the roof as was done at City Hall.

CAM said that the main drive has been full accessibility to the main hall and Parliament itself. CAM suggested the installation of chairlift depending on the use envisaged on the terrace.

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The Chairman said that speaker of the House has jurisdiction over the Parliament building and its use and it should be reported to him, that there should be access to disabled members of the community and he ought to consider it into the design so that it is amenable to all whether its members of parliament, employees, or public.

DTP said that it ought to be relatively simple to recess the glazing so they could keep the railings and just have the glazed entrances behind that. DTP said that on the question of access to the roof, his understanding is that is not intended as an access for the public but as a kind of breakout area.

DTP explained that if the lift access to the roof were created, it would have a large lift overrun, which is going to detract from the character and appearance of the building.

CV said that he understood that there are members that would like the gate to be retained, or symbolizing the glazing itself. CV said that they could do both, they can leave the gate and then have the glazing behind or within the glazing itself, they can have something that symbolizes them. CV said that if they were to have a lift in a listed building to provide access to the roof, it would create a substantial structure that would be visible for Main Street. CV said that it was an option that was considered and it has been removed. CV stated that the roof was in a state of disarray and looked terrible and once they can screen off what is the air condition units, they can provide what is a breakout area, but it is not intended to have ceremonies up there and has not been the proposal.

The Chairman said that the opportunity to have glazing is welcomed and hopes that it will be transparent as opposed to opaque glass. The Chairman said that in terms of disability access, he thought that application should go through the equal rights department authority and Ministry for Equality and let them undertake an assessment.

The Chairman moved to vote in favour of the application with the glazing and railings under lobby to be addressed more sensitively and should the Speaker of the House decide that the roof scape is for public enjoyment or members of the parliament to enjoy it, then consideration is to be given for disability access.

The application was unanimously approved.

10/22 - O/17805/21 -- Kiosk 1, 156 Main Street -- Proposed refurbishment of kiosk including installation of pergola (Option 1) or shading umbrellas (Option 2) and tables and chairs.

DTP explained that this application was in respect of one of the kiosks that sit immediately in front of the Parliament building and was an outline application. The main points of DTP's briefing were:

- The proposal is for the refurbishment of the kiosk and change of use to a cafe including tables and chairs area with shading options.
- Two options have been being put forward by the applicant for the shading of the tables and chairs areas. One option is to remove about two thirds of the existing canopy and retain that part nearest

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Main Street. The second option is to install, three large permanent umbrellas to provide shading and these extend much closer to the building.

- They are proposing the use of planters to ensure that the occupants of the tables and chairs area do not move out of the demised area.

DTP said that the only comment really to report on from the consultees was that the TSD objected on the basis that it is contrary to the refurbishment proposals by the Government for the Parliament building.

DTP said the application was subject to public participation and they have had no comments.

DTP reported on the TPD's assessment and said that the Parliament building is a listed building. DTP said that the Government's refurbishment proposal (the previous application just discussed) recognizes the importance of the building as a civic building and its importance in the streetscape. DTP reported that the project took the opportunity to remove the accretions, which are the canopies that have been constructed previously in order to restore the grandeur of the building.

DTP explained that the option, which is to keep one third of the canopy, in, the TPD's view would run counter to the Government's intentions in terms of opening up this building for full view. DTP said that the kiosk is a very small kiosk and the seating area should be commensurate with the size of that facility and not overly extensive

DTP said that option two, which is the permanent umbrellas, would be the preferred solution from the planning point of view. It was considered that the proposed umbrellas had less visual impact and are easily reversible. However, three umbrellas as proposed was considered excessive and out of proportion with the size of the kiosk and would result in the placement of umbrellas very close to the building. This was not considered acceptable due to visual impact and interruption of pedestrian circulation.

DTP said that from a planning point of view, they do not have an objection to the refurbishing of the kiosk. DTP said that they also have no objection to use of tables and chairs, but they think the areas should be restricted, and that they should be limited to introduction of only two parasols and the three proposed. The TPD recommended outline approval based on those conditions.

MHEYS suggested moving the third umbrella, which was next to the building, to the front of the kiosk.

DTP commented that there is an existing tree in front of the kiosk that may prevent this.

JH sought confirmation on whether the tables and chairs could be used by anybody or only by people buying from the kiosk. JH pointed out that when the application was presented online, there is a whole series of slides that really show the extent of refurbishment and repurposing of different parts of the building and thought that the public would be very interested to see them.

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DTP confirmed that the tables and chairs were associated with the cafe, so they would be for any customers of the cafe. He did however, point out that as part of the Government's refurbishment proposals public seating was proposed on the southern area.

GM said that with reference to the fact that they are aspiring to redevelop or bring back to a greater prominence, the merits of Parliament as a building, he did not see a reason why the provision of tables and chairs should be entertained. GM advised the Commission to be careful as to the nature of the proposed use of that kiosk. GM said that there should be the retention of an open space in front of the Parliament building and noted the fact that they have already abolished the use of cafeteria. GM also stated his concern about all possible kinds of other accretions onto what should be a public realm area.

DTP said that as he mentioned earlier, this is only a kiosk and you cannot expect to have a huge tables and chairs area but that perhaps a small number of tables and chairs could be acceptable. DTP confirmed that the application is for use as a café and would no longer be a retail unit.

The Chairman asked the Commission to vote on the application with an L shaped configuration for the tables and chairs area as suggested by Minister Linares.

In Favour	8
Abstention	0
Against	2

The application was approved by majority vote.

11/22 - F/17813/21 -- No.1 Bishop Caruana Road -- Proposed construction of stem cell building.

DTP explained that this is a full planning application on Bishop Caruana Road and the proposal is for the construction of a stem cell building that is situated between the new elderly care home, which is under construction, and Albert Risso house. The main points of DTP's summary were:

- It is a single storey building with a flat roof and designed very much as a functional building and the intention is to house a stem cell lab within the building with a nitrogen storage room.
- Part of the building would be for the storage of the actual cells and the other part of it would be the storage of liquid nitrogen.
- The building will include a plant room with an underground water tank, which will service the elderly care home.
- Small extension to the existing substation.

DTP reported on the comments received from the consultees saying that the Housing Department raised no objections but they did suggest that the operation could possibly cause some level of disturbance to occupiers of their building.

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DTP provided an assessment of the application. The rationale for locating the facility here has not really been given other than its proximity to the hospital, which is where most of the samples are obtained. DTP said that it does seem that the facility would have limited activity related to it and therefore the level of disturbance is likely to be minimal. DTP said that in terms of design, it essentially is a very functional design that fits in with the surrounding functional buildings and it will not be highly visible. The TPD would recommend that the application is approved with a condition for the installation of a green roof to the building.

The Chairman said that the extension to the existing substation would be included and if it is approved, he would want that to be refurbished with a brown/green roof.

KB asked for clarification in regards to the proposal being a GHA initiative or a private initiative.

The Chairman could not clarify, as he did not possess the relevant information.

CAM said that her question was more in terms of location. CAM said that the GHT was concerned about the mix of uses that was developing in this area without a holistic plan. CAM also sought information on what the technical requirements were for nitrogen storage and use.

The Chairman stated that regrettably that they do not have the answers themselves as planners.

MESCE said that in his limited knowledge he does not think that storage of liquid nitrogen is dangerous if it is done properly. MESCE believes it is an interesting development and did not have an objection. MESCE stated that provided the building was not too overshadowed and considering the high-energy demands his preference would be for PV panels over a green roof. The Chairman considered that there would be overshadowing and MESCE stated that if that was the case then there should be a condition for the requirement of a brown roof to develop natural vegetation.

JH shared the curiosity expressed by other members. JH said that it is very important to know the health and safety and risks management side of and it should be deemed to know exactly how it should be done. JH also shared the request for more information to be supplied before it just simply rolls forward.

DTP said that the Gibraltar Fire Rescue Service were consulted on the application and they had no objections with the full knowledge of what was being stored there. DTP said that these kind of issues would normally be licensed by the Environmental Agency as he assumed that liquid nitrogen could not be stored without some kind of license.

DTP said in response to CAM's comment that when the TPD reviewed the application and asked for additional information about what the actual operation is, they confirmed that it is not really an occupied

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building and that there is fairly limited servicing of it. DTP said that on that basis the TPD thought that there were not really any significant issues that will cause disturbance to residents.

MHEYS said that he was also interested in the operations and safety aspect of the proposal but thought that the application should be voted on its planning merit. MHEYS said that he had no issue with the proposal.

JH said that the health and safety issues and environmental issues, also very much part of planning and she would reserve her vote until confirmation that the practice has been licensed by the agency.

DTP reported that the TPD recommended approval with conditions to include the green roof to the facility and that a green roof should be included to the extension of the substation.

The Commission vote on the application.

In Favour	7
Abstention	1
Against	2

The application was approved by majority vote.

12/22 - F/17894/21 -- Eastern Beach, Eastern Beach Road -- Proposed development of a pedestrian promenade and stores at Eastern Beach.

DTP said that this is another full application at Eastern Beach. This is the development of the pedestrian promenade and stores. DTP said that the Commission considered an outline application in September 2021, which was refused on the basis that there was no overall environmental improvement scheme. DTP said that there was also concern about storm damage to the structures, loss of beach space, the fact that the existing tent line would need to move forward and issues to do with beach cleaning and accumulation of rubbish.

DTP summarized the main points as follows:

- The main changes being the format of the ramps had been changed from their previous perpendicular form to a 'dog leg' type form.
- Matting would be laid out to provide for accessible access to the sea itself.
- The storage structure would either consist of concrete or light gauge steel and have composite cladding.
- There would also be a wooden walkway, which gives access to the storage units.

DTP said that comments received from the DOE confirmed that they are still objecting to the application and this despite the applicant having advised that they had been in consultation with them in the

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revisions. DTP reported that the DOE do not support the encroachment onto the beach itself and consider that a wave study should be undertaken to assess the potential for storm damage.

DTP said that although the extended ramps have been removed, they still encroach onto the beach, and the DOE would need to review its cleaning program. The DOE maintain the view that the tent line would need to be moved forward because these storage units extend about 1.8 meters onto the beach area. They consider that there is bound to be storm damage to these structures, which would require extensive maintenance.

DTP reported that the TSD do not have an objection but remain concerned that the structures could be subject to storm damage and query who would be responsible for their maintenance. The TSD in terms of the architectural comments, object on the basis that there seems to be no tangible benefit to the existing promenade.

DTP said that the application was subject to public participation and they have had no comments.

DTP said that their main concern as planners was the lack of holistic planning of this area, and that the applicant had been encouraged to consider the development plan policy for an environmental improvement of the whole promenade area. DTP stated that the applicants confirmed that it was not part of their brief, and that they are only considering the proposed promenade. DTP thought that the best thing to do was to open it up to members to see, what view they want to take on this this application. DTP advised that the applicants wanted to commence construction in January, so that they could complete it before the summer season starts.

The Chairman supported DTP's comments in the planning report to have a holistic view. Notwithstanding, they are seemingly improving the environment for walkers along the beachfronts, it seems to be disabled friendly, and the Chairman would want to support it subject to the different departments accommodating the situation, which is not of our control, but of the departments themselves.

MESCE said that the comments from the DOE are independent from his own, and are submitted purely on the professional point of view.

MESCE asked the applicants for more information on the materials that they were going to use and the way that they feel that this is going to be resistant to the storms, which will inevitably happen. MESCE was also interested to see that what the applicant proposes by way of maintenance. MESCE stated that he would either defer the application or approve subject to providing more detail on how they are dealing with the effects of weather, the other considerations on the reduction of beach size and how beach cleaning is going to be affected. MESCE also queried whether landlords consent had been provided.

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The Chairman said that in terms of landlords consent, it is the department responsible for the beaches that is the landlord at the moment as he believed that there are no lease arrangements for this development. The Chairman added that he would want to see an improvement to Eastern beach promenade to compliment the beach goers.

MHEYS said that he agreed with MESCE, that they could either defer or have some explanations as to the materials to be used. MHEYS stated that he would be in favour of the application with certain information to be provided.

JH was concerned with the aspect of improving access as she had only seen step access.

DTP said that they have reduced the number of ramps from the previous one. DTP deduced that there were two disabled access ramps to the beach. DTP said that the idea would be that they would lay out one matting from the foot of the ramp across the sand during the season, so that you can access the sea itself.

JH supported the DOE's concerns, and the comments made by CAM regarding holistic planning. JH said that managing the beaches is hard enough without having as many departments or agencies in step, and thought that further discussion to ensure that it is not going to create more problems takes place.

The Chairman suggested a deferral on the application to give the applicant more opportunity to address the departments' concerns.

MESCE said that because of the urgency of the application and that, the works have to start very quickly, and the application should be put down for the agenda of the next meeting and not let this deferral run any further than that.

The Chairman reported that the planning officer will address the issues with the applicant and all the departments concerned over the matters raised today in the hope that they can respond.

Minor and Other Works- not within scope of delegated powers

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

13/22 - F/17712/21 -- 9 Poca Roca -- Proposed demolition of existing structures on the site and construction of a dwelling.

DTP said that in regards to the development at 9 Poca Roca, he wanted to emphasize that TPD were recommending approval subject to a green roof being provided which was a condition on the outline permission but which has not been included in the full application.

DTP said that this is an application in the upper rock nature reserve. This application was granted an appeal by the Development Appeal Tribunal so the design is the same as was previously approved by the

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Commission on appeal. DTP said that they have included additional landscaping, but that what they have not done is include a green roof to the building, which was a condition on the outline. DTP asked the Commission whether they would like to retain the condition or not.

The members of the Commission agreed that a condition for a green roof should be included.

14/22 - D/17655/21 -- 269 Main Street – Proposed demolition of boundary wall.

The application was approved.

15/22 - O/17851/21 -- North Front Cemetery Forecourt, Halifax Road -- Proposed forecourt alterations.

CAM said that they had no objection to the rejigging and beautification but did have a query on the wall on whether it needed to be a solid wall, or whether it could be semi permeable wall with a railing and hedge just to keep the visibility of the entrance and the nice entrance lobby.

The Chairman said that since they had just voted for a green roof, he would recommend a green wall.

The Chairman said that this is an application by a private entity for Government land as part of an agreement with Government. The Chairman suggested that the DOE would want to have a green wall of vegetation to screen the wall as opposed to just a solid wall.

CAM said that from open view, it would be better to have something that is more a hedge rather than a wall with greenery.

The Chairman agreed that a hedge could be placed instead of a wall and the name itself would have to be on a self-standing signboard. The Chairman asked the members of the Commission if they had any objections to this.

The Chairman recorded that this requirement was unanimously approved.

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

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

16/22 - F/17259/20 -- Jewish Care Home Line Wall Road -- Proposed refurbishment of Jewish Care Home.

Consideration of external finish to discharge condition 4 of Planning Permit No. 7867.

APPROVED

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17/22 - F/17668/21 -- 31 Rodgers Road -- Proposed change of use of store and commercial premises to residential use (Class C3) to include new window opening to rear light well.

18/22 - F/17745/21 -- Units 26, 28 & 30 Ocean Village Promenade Ocean Village -- Proposed refit of existing Chestertons rental office and expansion to adjoining Units 26 and 28 Ocean Village Promenade to provide one x amalgamated commercial unit (Class A2)

Consideration of proposed signage to discharge Condition 6 of Planning Permission No. 8173.

19/22- F/17758/21G -- Woodford Battery Europa Point -- Proposed rock stabilization works.
GoG Project

20/22 - F/17772/21 -- Gibraltar Fire Station, 8 Grand Parade -- Proposed construction of aluminum hut on front terrace for use as a restaurant (Class A3).

21/22 - F/17818/21 -- Unit 5, The Boardwalk, Tradewinds Bayside Road -- Proposed change of use from retail (Class A1) to café (Class A3).

22/22 - F/17820/21G RAF -- Gibraltar -- Proposed installation of new airfield hydrant system.
MoD Project

23/22 - F/17828/21 -- Flat 12, Honeysuckle House, Waterport Terraces -- Proposed change of windows/balcony doors to sliding and installation of awning on terrace.

24/22 - F/17831/21 -- 48 Devil's Tower Road -- Proposed change of existing window with garage-style door.

25/22 - F/17847/21 -- Unit 1, Imperial Ocean Plaza, Waterport Road -- Proposed installation of retractable awning and extendable protective screens to external seating area.

26/22 - F/17855/21G -- South Barrack Road Access Stairs -- Proposed removal and reconstruction of access stairs.

GoG Project

27/22 - F/17868/21 -- Bishop Rapallo's Ramp -- Proposed replacement of feeder pillar.

28/22 - F/17870/21 -- 206 Imperial Ocean Plaza, Ocean Village -- Proposed installation of glass curtains.

APPROVED

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29/22 - F/17876/21 -- 6, 40 Buena Vista Park, Europa Road -- Proposed replacement of rear (west) patio doors and minor internal alterations to basement, including creation of new external opening.

30/22 - F/17881/21 -- First Floor Flat, 32 Cornwall's Court -- Proposed replacement and relocation of metal balcony railings to front façade.

31/22 - F/17882/21 -- 46 The Arches, Castle Road -- Proposed installation of glass curtains and glass divider between neighboring terraces.

32/22 - F/17889/21 -- 601 and 602 Neptune House, Marina Bay -- Proposed amalgamation of flats.

33/22 - F/17896/21 -- 613 Neptune House Marina Bay -- Proposed partial enclosure of balcony.

34/22 - F/17902/21 -- 78 Queensway -- Proposed installation of louvre on outbuilding.

35/22 - F/17948/21 -- 802 Seashell House, Beach View Terraces -- Proposed change of balcony doors to sliding doors.

36/22 - MA/16505/19 -- 7/2 Gardiner's Road -- Proposed extension and redevelopment of building.

Consideration of proposed Minor Amendments including:

- modified entrance corridor/lift at basement level;
- modified lift size and opening up of roof terrace;
- changes to approved fenestration on the west elevation;
- changes to the approved fenestration including the removal of two windows on north facing elevation; and
- various internal alterations.

Consideration of vehicular barrier details to discharge Condition 2 of Supplemental Planning Permit No. 6699A.

37/22 - MA/17877/21 -- 7 Ellerton Ramp, Buena Vista Estate -- Proposed works to basement, balcony extension and associated minor alterations.

Consideration of proposed Minor Amendments including:

- reconfiguration of basement access.

38/22 - 1555/P/024/20 -- Catalan Gardens, Sir Herbert Miles Road -- Refurbishment and painting of building facades.

APPROVED

*DPC meeting 1/22
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39/22 - Any Other Business

There was no other business.