

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 6th meeting of the Development and Planning Commission held remotely via video conferencing on 23rd June 2022.

Present:

Mr P Naughton-Rumbo (Chairman) *Acting*
(Town Planner)

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

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

Mr H Montado
(Chief Technical Officer)

Mr G Matto
(Technical Services Department)

Mrs C Montado
(Gibraltar Heritage Trust)

Mr K De Los Santos
(Land Property Services)

Dr K Bensusan
(Gibraltar Ornithological & Natural History Society)

Mr C Viagas

Mrs J Howitt
(Environmental Safety Group)

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

In attendance:

Mr C Key (CK)
(Deputy Town Planner) *Acting*

Mrs L Gonzalez
(Minute Secretary)

Apologies:

Mr M Cooper
(Rep Commander British Forces, Gibraltar)

The Hon Dr J Garcia
(Deputy Chief Minister)

APPROVED
DPC Meeting 06/22
23rd June 2022

Dr K Bensusan
(Gibraltar Ornithological & Natural History
Society)

Approval of Minutes

229/22 -Approval of Minutes of the 5th meeting of 2022 held on 20th May 2022.

MESCCE had circulated a proposed addition to be included in item 195/22 Approval of Minutes. The addition reflected the fact that there had been a brief discussion in relation to the relocation of the Tower and that the Commission agreed that the condition to be included did not exclude the possibility of the tower being repositioned within the proposed pier.

The Minutes were approved with the change requested by MESCCE.

Matters Arising

230/22 -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.

GB presented the application.

He stated that the Commission had approved the scheme subject to certain revisions that would be tabled for final approval by the Commission. GB summarised the requested changes as:

- Setting back of extension on the west elevation;
- Removal of lift overrun at roof level;
- Roof level to be accessible for maintenance only;
- Raising height of extension.

GB reported that most of the changes had been made but the applicant wished to maintain access to the roof by lift and to have it as a useable space.

James Hughes (JH) the agent, addressed the Commission. He said the roof access and the amenity space was fundamental to the applicant. The lift shaft has been pushed back behind the existing building line and a visual survey had been conducted from different viewpoints that showed it was not visually prominent.

Mr S Patrick, the applicant, explained the need for the lift and accessible roof referring to his health condition and growing family.

GB said there were no particular concerns with the design amendments.

MESCCE said he did not support this application last time and still does not support it. He was sympathetic to the applicant's health conditions but justifying the extension on the basis of a growing family was not sufficient. He said that due to the proximity to the Upper Rock he does not support this application.

JH said she also objects to the urbanization of this area, and the extension is like an additional house and she retains her objections.

GM said he concurs with MESCCCE and JH comments and said he sympathizes with the applicant but does not support the application.

The Chairman said a vote would need to be taken on the revised application as submitted.

In favour - 3

Against - 4

Abstentions -3

The Chairman said the revised scheme was not approved and invited members to provide an indication as to what elements of the revisions were not acceptable as the application had been previously approved subject to the revisions being made.

JH said she has nothing more to add and was sorry it had been approved the first time round.

The Chairman stated that in order to be able to guide the applicant they needed to have clear indication of what aspect was not acceptable.

GM said if Outline Planning Permission is granted it does not mean that approval would follow and positions could be reversed.

The Chairman clarified that this had not been an outline application but a full application that had been approved in-principle but subject to certain revisions. However, approval has not been granted to the revisions and therefore he needed to clarify what elements were not acceptable.

MESCCCE commented that he had voted in the same way as the original application and that other members may have changed their votes.

It was agreed to defer the application to try and clarify the situation.

Major Developments

231/22 -O/17955/21-The Caleta Hotel, Sir Herbert Miles Road, Gibraltar -- Proposed construction of a 5-star international brand hotel (Class C1) and residential development (Class C3).

CK gave a brief introduction to the application and noted that the application, including the EIA had been open to public participation and details of the application, objections and a paper had been circulated to Members. The applicants would be presenting the scheme and this would be followed by a number of objectors.

Patrick Gomez (GCA architects) addressed the Commission - his team consisted of:

Bruno Callaghan (BC) GJBHotels

Fabian Torilla E&M

Kim Clarence Caardus

Melvin Ritchie Caardus

Bruno Callaghan went on to explain the history and background information on the Caleta Hotel. The proposed hotel would be Gibraltar's first 5-star hotel with top quality residential units. This will benefit Catalan Bay Village. The hotel can only be funded by the residential units.

Patrick Gomez (PG) explained that they were the, local architects and they represented AZO Architects who were the designers. The project is an evolution of a previous project submitted to DPC in 2014 and granted an Outline Planning Permit in 2015. Approval was on the basis of residential and beautification and extension of the hotel. The proposed development on the area of Gil's Head was not approved by DPC but permission was granted on appeal.

PG explained that surveys had been carried out of the existing hotel building that proved the building could not be retained. In response to concerns about developing on Gil's Point they felt it best to leave this undeveloped and therefore were proposing adding extra floors to the residential block to compensate.

The new development meets the height of the required volume needed. It is a contemporary designed building. He explained the new and existing footprints. Visuals of the proposed hotels were shown. He went on to explain the architectural points in the design of the scheme.

PG referred to the desire to achieve a nearly zero energy building.

PG stated that the North residential block is geared towards the local market whilst the South residential building is aimed at the luxury market.

PG showed and explained slides, visual and views.

Nuno's Restaurant is to be reinstated.

The ground floor of the hotel needs to spread into the North residential building for service areas etc. Terraces along the hotel will be open to the public and extensive facilities are included in the South residential building such as spas.

There would be retail units available, the building was 12 storey above road level, with 2 storey below for parking, reception and dining areas.

PG went on to explain the design and different levels of the hotel and residential developments.

Sunlight studies carried out show the impact on the beach is minimal and he said that comments had been taken into consideration from stakeholders, the village and planners. He went on to explain the views from the sea, road etc.

Tom Hardy (TH), the Environmental Consultant for the applicant summarised the scope for the EIA that had been agreed with the Town Planner in line with the legislation. Studies had been undertaken and extensive consultation carried out with stakeholders and consultees.

TH stated that the majority of effects assessed did not have any significant impacts and proceeded to summarise the effects for each topic. In conclusion TH stated that the EIA is adequate for this stage of the application process and that there would no doubt be planning conditions included as part of any outline permission.

The Chairman clarified that the latest designs shown in the applicant's presentation were not being tabled for consideration today by the Common but rather forms a work in progress that indicates the direction of the possible changes to the scheme submitted as part of the outline application.

Objector Mr Dion Darham addressed the Commission. He said hotel groups license their brands and that G&JB Hotels just becomes a landlord. The Hilton brand is not indispensable to Gibraltar and said that the DPC should not bend to the needs to accommodate an international hotel brand to justify the project. He said the proposal disfigures the coastline significantly and the design is uninspiring and banal. It does not respect the architecture of Catalan Bay, is monolithic and incongruous.

The road will be in permanent shadow. He said the overall design is incompatible and the Gibraltar colonial urban character should not only be confined to the upper town area and said buildings should blend in not stand out.

He said such a prominent position overlooking one of Gibraltar's most loved beaches deserves a building that stands in harmony with Gibraltar's architecture and culture.

Mr Nicholas Martin, objector, said that he represented the petition submitted by Katie Muldon. He felt that the design was not sensitive and the height of the hotel would impact shadowing of the beach.

He said the coast should be for the people and not to be sold. He also stated this would have an effect on migrating birds and on the existing barbary partridges.

Mr Chris Riddell (CR) objector said they were not objecting to the hotel but that they were objecting to the poor design and that more shading on the beach could not be accepted. He went on to explain the shadowing effects at different times of the year. He said they had met and consulted with the Callaghan family and made full note of their concerns. CR said the building needed to be shifted south and stepped down to the North to avoid shading of the beach. He said DPC is a formal platform and they requested that a condition be attached at outline planning to ensure no greater shade is cast on the beach, village homes and streets.

CR said Gils Point couldn't be considered for development and that the walk from Caleta to Both Worlds was the only area left to be able to see and enjoy the Mediterranean Sea. The building should keep to its footprint and not be developed any further.

There being no questions from members, the Chairman asked the applicants if they wanted to respond to any of the points raised.

BC clarified that they would be seeking an international brand but that it was a Gibraltarian family investing in the hotel, the hotel will belong to them only the name will be used.

PG said that regarding objections to modern architecture these are personal views.

The team has discussed the scheme with the planners and the building has been designed specific to the site. Shadowing on the beach, there is only one window of negativity where the shadowing increases in the month of December. PG stated that bicycle racks are being introduced, bicycle routes for the site have been discussed with Ministry of Transport and they are awaiting the results. The footprint of the proposal is mostly what is already the Caleta hotel.

BC said this is the beginning of the consultation process and they would be working together with Catalan Bay and others.

CK summarised the Town Planning assessment.

CK firstly reviewed the EIA findings:

Topics assessed.

Air quality

- ES makes commitment to monitoring air quality during construction.
- DOESCCH requested that an air quality monitoring mesh pod is placed at an agreed location ensure real time monitoring given sensitive nature of surrounding area.
- Applicant confirmed willing to consider this request.
- Consider to be a reasonable request to ensure dust doesn't become an issue during construction.

Archaeological and Cultural Heritage.

- Agree with WHO that residential impact on the WHS Buffer Zone and Sand Dune will be slightly adverse as opposed to none as indicated in table.
- Agree with WHO that the significant that the significant effect on the WHS should be slight adverse as opposed to negligible and the residual of slight adverse is a fair assessment.
- Proposed development will impact in a change of character to Catalan Bay and the Sand Dune as well as WHS when viewed from sea.
- Consultee in broad agreement with proposed mitigation.
- Require AWB during all groundworks.
- Welcome GHT request to improve access to WW11 gun positions and possibility of making them usable- applicant confirmed would investigate at full planning and this should be conditioned.

Climate Change

- DOESCCH concerned Sustainability Statement for outline scheme generic and concerned whether development will meet renewable requirements for hotel (40%) and residential (50%).
- Applicant confirmed committed and developed will meet regulations on energy efficiency.
- All information to be provided at full planning including detailed Sustainability and Renewable Assessment including a BREEAM assessment and predictive EPC'S.

Community, Recreation and Tourism.

- Despite increase urbanisation proposed development would bring employment and operation of a 5-star hotel would bring prestige and high-end tourism which would have a positive know om effect on local economy.
- Difficult to avoid cumulative urbanization in this part of Gibraltar.
- Proactive approach would be for Town Planning to work with applicant to guide them in designing a scheme which reduces impacts of urbanisation on Catalan Bay and surrounding area.

Ecology.

- **Habitat loss** – Commission to determine whether satisfied to accept proposed mitigation of improving areas in the Nature Reserve to compensate for permanent loss of habitat to south of site.
- **Shading** _ Applicant committed to work with GOHNs and DOESCCH to achieve suitable mitigation in the NR to address impact of shading from proposed development on flora and fauna on the sand slope during winter months.
- Welcome commitment and details of mitigation should be submitted at full planning.

Marine Environment

* **DOESCCH – CEMP** needs to be submitted well in advance of construction to ensure review well in advance by competent authorities and officials able to monitor site to ensure no accidental spillage

Removal of Iron tanks

- **DOESCCH – CEMP** needs to be submitted well in advance of construction reviewed well in advance by competent authorities and officials able to monitor site to ensure no accidental spillage of debris into the sea.
- Applicant committed to working with DOESCCH to remove them subject to a proper survey assessment of the feasibility of doing so that this would not cause any further environmental damage to the marine life.

Marine Access

- Applicant confirmed that if marine access required it will be fully assessed as part in the full planning application including an assessment of all potential environmental impact.

Bird Strikes and Lighting

- WHO and DOESCCH concerns regarding potential bird glass impact strikes.
- Dealt with via condition required bird safe glazing throughout development.
- Lighting assessment required at full planning to address concerns from WHO regarding impacts of artificial Lighting at night for birds and bats.

Landscape and Visual Amenity.

- Agree with WHO that residual impact on WHS Buffer Zone will be slightly adverse as opposed to none as indicated in table which applicant sought to clarify in accompanying statement.
- Various consultees raised concerns regarding visual impact of the proposed development and impact on landscape character on this part of Catalan Bay when reviewed from the sea in respect of the northern and southern residential blocks.
- Consultee recommend scale, height and massing of these elements revisited to mitigate including introduction of strategic setbacks.
- Proposed development will have a permanent residual effect will change the landscape character of Catalan Bay and to a lesser extent the Buffer Zone of the WHS.

Material Resources and Waste.

- CEMP and WMP to be submitted well in advance of construction to ensure reviewed well in advance by competent authorities.

Noise and Vibration.

- CEMP to be submitted well in advance of construction to ensure reviewed well in advance by competent authorities.

Traffic and Transport

- Consultees raised the point that the assessment of cumulative impacts of construction traffic difficulty to quantify,
- Clarified by applicant in the Accompanying Note on the ES.
- Applicant confirmed that in connection with other developers in the area, they are committed to contribute to an Eastside Traffic Assessment and Management Scheme, to be undertaken by an independent third party and that if other applicants are willing to take part, it is hoped this will offer a holistic approach to traffic management of the Eastside of Gibraltar during the construction phases of the various projects.
- Welcome this approach and should form condition of Outline Planning Permission of application approved.

Transboundary Effects.

- ES concludes that proposed development not visible and unlikely to have any impact on transboundary effects

Construction Environmental Management Plan (CEMP)

- CEMP to be submitted in support of a full application.
- CEMP to include Dust Control Plan and Eastside Traffic Assessment and Management Plan.

- DOESCCH – CEMP needs to be submitted well submitted well in advance of construction to ensure reviewed well in advance by competent authorities. Applicant committed to working in an inclusive manner including input from DOESCCH and Town Planning.

Landscape and Visual Amenity

- Agree with WHO that residual impact on the WH Buffer Zone will be slight Adverse as opposed to none as indicated in table which applicant sought to clarify in accompanying statement.
- Various consultees raised concerns regarding visual impact of the proposed development and impact on landscape character on this part of Catalan Bay when viewed from the sea in respect of northern and southern residential blocks.
- Consultees recommend scale, height and assessing of these elements revisited to mitigate impacts including introduction of strategic setbacks.
- Proposed development will have a permanent residual effect will change the landscape character of Catalan Bay and to a lesser extent the Buffer Zone of the WHS.

CK then summarised the Town Planning Comments in relation to the Submitted Scheme.

- Scheme as submitted not considered to be acceptable.
- Serious concerns regarding north and south residential buildings.

Southern residential building.

- Monolithic mass and extensive linear form.
- Mass needs to be broken with lower height at southern end and rising northwards to height of central hotel which acts as a focal point within the development.
- Should be more of a subservient building element compared to the hotel.

Northern residential building.

- Dominant over adjacent scale of Catalan Bay and no inter-relationship.
- Northern end should be of a similar scale to Little Genoa and gradually rising up with setbacks introduced from level 3 + 12.00
- Needs revision and refinement as it does not relate with adjacent build environment.

CK then summarised Town Planning Comments on the Work in Progress design:

- Town Planning raised concerns with applicant
- Alternative scheme informally submitted as Work in Progress.
- Key design change- reconsider design concept of southern residential building to address issues relating to height, mass and scale.
- Alternative scheme introduces strategic setback and reduces height and building at southern end and increasing in height as it progresses to the hotel building.
- Change has meant footprint of the building extend further into unbuilt land towards Guild's Point although cantilevered over and fully glazed at ground floor to provide inter-visibility.
- No changes to northern residential building.

CK then commented on the Work in Progress in relation to ES Implications.

- Work in progress accompanied by letter from Pellenic.

- Confirms that the submitted ES and proposed mitigation is appropriate with no likely new potential impacts.
- Changes in respect of height have no material impact of assessment outcome of the ES.
- Change on footprint would not result in change of mitigation (i.e. net gain in Nature Reserve).
- No need for further survey work in respect of impacts on intertidal zones and associated species.
- Assessment of potential impact on Archaeological and Heritage Assets remains the same and no change in proposed mitigation.

CK summed up:

- Works in progress show a willingness from the applicant to take on board Town Planning Consultee concerns and address issues that have been raised.
- Doesn't address all concerns but with further refinement of the southern residential building and remodeling of northern residential from a Town Planning perspective we are comfortable with quantum of development proposed and consider the applicant is moving towards a scheme which would be accepted at full planning.
- Need for a 5-star international brand hotel in the short term in Gibraltar.
- Long term proposals in pipelines are speculative.
- Applicant has a track record of hotel development and provides a level of confidence that a full application would be submitted in short term and development would come forward.

CK recommended granting of an outline permission but this was heavily caveated:

- Not approving submitted scheme.
- Not approving Work in progress scheme
- Outline Planning Permission would approve principle of a hotel and residential scheme on the site for the quantum/amount proposed.
- OPP accompanied by prescriptive conditions setting out how design has to evolve for full planning so the application has a clear direction of travel (i.e. heights, massing, scale of residential buildings including setbacks etc.)
- OPP include planning conditions relating to mitigation in the ES and additional mitigation suggested by Town Planning as well as other planning conditions.

CK made a few points on application procedures if outline permission was approved:

- Full application to be subject to public participation to allow public to submit comments on the new scheme.
- Full application to be accompanied by statement confirming findings of the ES not changed by scheme submitted at full planning stage.
- If findings are changed in respect of particular topics, then an addendum to the ES would need to be submitted which would assess environmental impacts and confirm if any additional mitigation required.

Chairman asked for any comments by Members.

JH queried whether giving an outline planning permission at this point gives the applicant legal grounds to carry on with the scheme as proposed. If there are so many objectors and consultees who oppose mass, scaling, impact on nature, history of Catalan Bay we are talking

about a different project all together. JH asked if it would be better to ask the applicant to submit a different design/project.

She said while they have amended the building and tapering it to the back of the plot, the building is still peering over Catalan Bay and remains solid and big. She asked how difficult is it going to be to make realistic changes.

The Chairman said that what would be approved is the principle of a hotel and residential development of the approximate quantum that is being proposed. The Chairman then invited the applicants to comment on whether they can engage with the relevant stake holders in terms of redesigning the submitted scheme.

PG said they have been discussing with the planners such changes. They feel they have compromised on the south side and this can also be done on the north side. The starting point for the current design was the approval in 2015 and now this is already one level down at the juncture with Little Genoa from what was approved. PG confirmed they would be willing to look at this further to see how the impact could be reduced and still keep the transition between Little Genoa and the hotel.

JH said this was a very sensitive part of Gibraltar, where the nature reserve, vistas and landscape is paramount. There is a 12,000 strong petition from people all over Gibraltar. She said the quantum got through on appeal in 2015 and asked how is this going to be squeezed into the footprint without impacting natural environment, cliff face and many other aspects.

CAM had a question about the proposed extension to the south and the concerns raised by the villagers about access to the coast which is one of the concerns of the GHT as well. She noted that the area under the extension is glass, and asked if the developer could explain the reasons for that and if there is the potential for that to be accessible down to Gil's Head as access to the coast for the public.

PG stated that they were keeping that area free and the only reason they have extended in that direction is because they need to achieve the quantum mass and still step down the building. They have kept that ground area free so views can be retained when walking down the road.

CAM asked why it needs to be glass and why it couldn't be open.

BC said there could be internal gardens or exhibitions there to beautify the area and said this could be discussed further.

CAM asked why it needed to be enclosed and not as an open promenade with access to the coastal sea front.

BC said this was for exhibitions and that the coastal view would not be compromised.

MESCCE said that this needs a lot of thought, and he agrees with a lot of what the objectors had said but not with everything. He said this needs to be a net zero efficiency building, and 100% vehicle charging points should be provided. He said none of the objectors have said they are against the hotel or the residential development. He said this is an improvement on the last application. He said he doesn't favor the move to the south and thinks there are other ways to deal with the height. The overall design jars with the verticality of the setting and the architects need to look at the design as this horizontal layering creates more massing.

Vegetation of the area is heavily covered by none native species that compromises vegetation and the use of area by wildlife. MESCCE has an expectation that the developer actually improves habitat in the area and this could result in a net bio diversity gain.

He referred to the possibility of reviewing the design of the lower parts fronting the garage that could be made to look like natural cliff.

Construction Environmental Management plan needs to be in place so no rubble goes into the sea.

Glass has to have treatment that is visible to birds and green walls have plants that can withstand the weather.

He supports the outline application on the understanding that it needs work.

The Chairman said he wanted to confirm with the applicant if he would be willing, if necessary, to consider substantial changes to this development before any decision is taken.

PG said they were willing to discuss and ask for guidance which will make addressing this as easy as possible.

The Chairman said asked for a vote to be taken on approval of the application as per the recommendations and clarifying that the design as submitted, or even the design shown as Work In Progress, were not being approved, only the principle of the development

Votes in favour – 8

Votes against - 1

Abstentions - 1

JH said she was voting against as she was uneasy with the massing being allowed in one way or the other.

The Chairman referred to the request by one of the objectors to have a condition to prevent any further overshadowing of the beach and asked if Members felt that should be included as a specific condition.

MESCCE said they have already been asked so much that they would need to bear that comment in mind and come back with whatever design they can come up with.

CAM said she agreed with MESCCE and that changes to the design should address some of the shadowing issues and that she felt that there should be no increase in shadowing impact on the beach.

The application was approved.

Other Developments

232/22 -F/17871/21-Seabed of the Outer Marina Waters South-West of the Airport Runway Revetment (RAF Gibraltar) -- Proposed installation of a 30 linear meter piled wave attenuator.

GB reminded members that the development had been screened for EIA and the conclusion was that no EIA was required but that an Ecological Survey and a Construction Environmental Management Plan was required.

GB described the proposal and confirmed the purpose of the wave attenuators was to decrease wave disturbance within both marinas. The ecological survey had been submitted.

GB reported that:

DCA has required certain conditions of the application regarding Physical safeguarding, bird hazard management, maritime lighting, cranes and piling rigs and glare issues.

MOD had commented that the applicant would have to make good any damage to the runway caused by subsidence arising from the proposal. A survey of the runway would be required prior to commencement of works, within 3 months of completion and again after 1 year.

The Port would require navigational lighting and speed limits.

DOE have no objections but require consultations to do with silk curtains during construction as well as implementing CEMP.

GB said that overall, Planning has no objections to the development. Ecological seabed survey was done as well as a Construction Management Plan that did not identify any endangered species within the site although there were endangered limpet species along the runway revetment, and the proposed structure will not impede water circulation. Planning recommends approval subject to conditions from Departments.

JH said they wrote in regarding the screening process to Planners and the screening authors but had not heard anything back. She said the wave attenuator is not a major development but together with the housing development and further erosion of the marine area, she was concerned. She said the attenuator would further narrow the passage of vessels. She went on to ask if the attenuator was for the villas, as this was never previously proposed and if there would be a working plan for the piling works.

The Chairman said that in respect of navigation concerns the Port Department had reviewed the application and did not have any objections subject to their conditions. The Chairman invited Mr Ed Allison-Wright (EAW), on behalf of the applicant, to respond to JH's question on piling

EAW said 11,000 piles had been competed so far within the Marina Club without problems, and that the piling works would not be undertaken later than 7pm on weekdays and earlier on Saturdays. This was all set out in the submitted method statement and there had been consultation with the relevant departments.

JH asked are there no restriction with the runway.

EAW said there was a restriction to make sure that they were compliant with the RAF, MOD requirements so as to avoid impact on airfield operations.

JH said that if there were to be any change would they be coming back to the DPC for permission to operate at different times.

EAW said they did not envisage any changes as set out in the method statement.

The Chairman asked the Commission if they were in agreement with the planning report to approve the application.

The application was approved unanimously as per the recommendations.

232/22 -F/17891/21-12 Governors Street -- Proposed conversion, extension and refurbishment of residence.

CK presented this application that had been deferred at the last DPC meeting following concerns regarding encroaching windows. Revised plans had been submitted to address these concerns.

CK described the proposal highlighting that the windows on the west elevation that had previously been considered to be encroaching on the adjacent property had now been omitted.

CK reported on feedback from consultees:

- DOE requested standard conditions and bat and bird surveys prior to commencement of works and they welcomed the green roof.
- GHT recommended a pitch roof with traditional roof tiles instead of a flat roof and window details and front vernacular door.
- MH had concerns regarding the loss of the pitch roof.
- TSD had no objections.

At this point the objectors were invited to address the Commission

Zubair Qurashi said there would be loss of light and loss of views and it would have a negative effect on property prices.

Gabriel Belilo said the Commission had not considered the objections previously as the application had been deferred. He said the section 22A was served incorrectly and that the application should not be approved and landlords consent has still not been granted, He said applications should not be submitted where ownership had not been confirmed. There are objections to the redesign and the new terrace is again on a boundary wall with no permission. Designs show no proposed plumbing or other utility provisions, structural issues and they do not permit further usage of the existing piping.

The A/C units on Governors Street should have not been allowed and their lawyer has already instructed this needs to be removed as they are resting on their boundary wall. There are existing birds' nests inside the roof area and the removal of asbestos could cause health problems to the tenants. The Architect did not request permission from the Management to obtain measurements and other data and they will not allow any scaffolding structure to be erected within their property. They request this application be refused as landlord's consent will not, and has not, been obtained.

The Chairman clarified that in terms of landlord's permission even if the DPC approves the application it does not override any requirement for landlord's consent. In terms of drainage, he commented that if it is a private sewer that would be in the control of the objector.

Stephen Martinez (SM) agent on behalf of the applicant, stated that if service of notice of the application had been done incorrectly then there would have been no response from the objector when in fact they had. He said we are keeping a low-key development broken down with balconies, we have removed all boundary windows and drainage could always be connected to the Governors Street side.

GB said the lawyers asked for consent and this was denied.

CK said other objections received were in relation to overshadowing, noise and traffic, overlooking, construction and negative design aspect onto Gavino's Passage. CK commented that loss of views was not a matter for the DPC.

CT noted that the GHT and Ministry for Heritage have concerns with the loss of pitch roofs that could have an adverse effect. In this case the roofs were not of traditional material and the policy would allow for a change. The scale, mass and height were considered acceptable in the streetscene, flat roofs were not uncommon and that overall the visual impact was not considered to be significant. CK said there was a need for sensitive roof materials on the pitched roofs and the windows on Governor's Street should be in keeping.

CK recommended approval of the application subject to roof materials and window details to be submitted and birds and bat surveys undertaken prior to the commencements of any works and nesting site details are to be agreed by the DOE.

CAM asked was the flat roof accessible.

SM answered that it is not an accessible roof and that this would be an area for PV panels and said the benefit of a flat roof is that it does not elevate the build further.

CAM suggested that shallow pitch roof could be incorporated.

SM said this could be possible.

The Chairman asked if members were in agreement with CAM's recommendation to include a shallow pitch roof and approve the application.

The application was unanimously approved in line with the recommendations and subject to the provision of a shallow pitch roof instead of the flat roof.

233/22-O/17990/22-Chilton Court Estate -- Proposed raised playground/ball playing court with car park and storage facilities below.

CK presented this application explaining that currently the site was an existing ball playing court, children's playground and bench areas surrounded by netting and fencing.

The proposed development was for 75 domestic storage units at ground level, 64 car parking spaces and 1 disabled parking with 12 electrical charging points for vehicles. Access to the stores was from within the carpark. The 1st floor would cater for a ball playing court and children's playground, with access to the playground via a lift and stairs. 2 existing trees are to be retained on site.

CK reported that:

- LPS, Ministry for Heritage and the Traffic Commission had no objections.
- Housing and TSD have no objections on the basis that the complex is fully accessible.
- DOE require a minimum of 20% active electrical charging points and 80% passive, this would be 1 more electric charging point than is being proposed.

CK said this application has been subject to public participation and no comments had been received.

CK stated that the scale and mass of the proposal integrates well with the surrounding area and fencing provides a degree of inter visibility across it. The external appearance of the complex is quite bland and needed to be embellished and softened and that this can be achieved through landscaped areas. The design of the lift needs to be such so it does not need a further A/C unit on top of it.

CK recommended the application to be approved subject to conditions.

JH said this was a positive project and that this would benefit the residents. She asked if this was being run privately or under the Chilton Court Management, whether storage would be for commercial use and that the play area should be provided with shading.

CK said the applicant had confirmed the storage was for domestic use.

JH went on to ask how this would be managed and if it was a Government application.

CK answered this is a private application, and said the shading would be looked into as it's a concern and should be considered before a full planning application is considered.

The Chairman said this would be taken up with the applicant.

MESCCE agreed on shading and possibly on the podium to have more green area and planters introduced. He said the proposed increase of electric charging points should be considered with the full application. He said the legal requirement is 20% but he encourages this to be 40%.

JH asked if this was a private project of a Government contracted facility.

MESCCE said he would find out and let JH know.

The Chairman asked Members if they would approve the application subject to the Town Planning recommendations and additionally that shading be included, landscaping of the podium and increasing the active EVCP requirement to 40%.

JH asked if it was a planning consideration to know how it will be managed in terms of waste, maintenance etc.

The Chairman clarified that the management of the facility was not a planning consideration and that this would be a matter for the Government and developer but that there would be certain involvement in terms of how waste and refuse collection would be dealt with.

He asked the Commission if this application could be approved.

The application was approved unanimously.

234/22 -O/17996/22-Unit 'A' Chilton Court -- Proposed building for association and charity clubs, offices, storage facility, community hall and playing area premises.

CK presented this application stating that the site was the former youth club single storey building.

The proposal was for a 5 storey mixed use building 16m in height with parking, stores, offices, community club units, catering hall and playground at top floor. On the ground floor, there are 26 proposed parking spaces with 1 disabled bay and 10 Car parking spaces for office units. A cargo bay is proposed next to the staircase with access to 1st and 2nd floor level. Offices located at the western end run through the building from ground to 4th floor. 60 commercial and domestic storage units at 1st floor and 2nd floor. 3rd floor is proposed for 6 Community Association clubs with play area and seating. The 4th floor accommodates a catering hall, kitchen and open playground for the Care Agency, which will also provide catering courses and solar panels are proposed at roof level.

CK said they had limited information on materials to be used but the finishes were a mix of glazing and concrete render blockwork.

CK reported that:

- TSD and the Traffic Commission have no objections.
- Housing Department had no objections subject to the complex being accessible for people with disabilities.
- DOE have required a minimum of 20% passive electric vehicle charging points, a predictive EPC, bird and bat surveys and nesting conditions.

CK said Section 22 notice was served to the Eurocity and Eurotowers Management Companies and no comments had been received.

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

CK stated there were no objections to the scale, height and massing of the building. The mixed use was acceptable although sound attenuation may be required to prevent noise disturbance to the proposed office use. CK stated the main concern was in relation to the façade of the building which was considered quite bland, and this would need to be softened and blend in with the surroundings. There was the potential to incorporate some soft landscaping vertically on the building. CK recommended that the application be approved subject to conditions.

The Chairman said the applicant behind this application was the same one as in the previously discussed application and indeed the next one too.

JH said this was a very harsh and blank concrete building. She said Eurocity saw the loss of green areas and the loss of trees and green areas should be introduced to compensate for the concrete developments. She said she was surprised the tenants from Edinburgh Estate have not called for more planting as was requested by them when Eurocity was being built.

MESCCE confirmed nests would be required although due to the low height they may not be suitable for swifts. He said he would like to see 40% electric vehicle charging points. He welcomed the facilities for clubs and associations and that landscaping needs improvement with green walls or hedges around the perimeter and the adding of new trees. He said this was an overall good project for the community.

The Chairman said that shading of the rooftop play areas should also be considered.

MHYS confirmed that there had been a consultation process with the Tenants Association. He welcomed the proposal that would benefit the community. He confirmed that he agreed with improving the appearance and landscaping of the proposal.

JH thanked MHYS and asked if there would be a maintenance contract by a private company.

MHYS said he would make sure there is a management program.

JH asked if the playgrounds still fall under the GSLA.

MHYS said the existing playground at Edinburgh Estate would fall under their management but the new build does not.

The Chairman asked if the application could be approved as per the recommendations and additional matters raised.

The application was unanimously approved.

235/22 -F/18042/22-ARP Shelter, Engineer's Lane -- Proposed storage shed facilities

CK presented this full application for the ARP shelter on Engineer Lane. The Southern entrance was by Engineer Lane and the Northern entrance by Turnbull's Lane. It proposed the construction of 28 commercial stores within the main chamber and that existing loading and unloading bays would be used with pallet trolleys to be used for transferring goods.

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

CK reported that:

- DOE and World Heritage Organisation have no objections to the application.
- GHT noted that the applicant knows the value of the APR shelters and the proposed storage will not affect the site.
- TSD has requested a Structural Condition Survey prior to commencement of works.
- MoT have confirmed loading and unloading bays are not on the public highway and have some concerns with the mitigation measures in place to ensure pedestrian access, and that the APR shelter has to be kept clear at all times if the loading bay is occupied.

CK welcomed the proposal, as it does not have an adverse effect and value of the ARP Shelter. Provision of storage is much needed in this area and recommended this application be approved with the conditions requested.

CAM raised the issue of possible future ventilation requirements and that the design should allow for this.

The Chairman asked if the application could be approved in line with the recommendations.

The application was unanimously approved.

236/22-O/18097/22-Surrey House, 28B Europa Road -- Proposed demolition and construction of new four storey dwelling with basement including external swimming pool, landscaping and new access from Buena Vista Road.

GB presented this application explaining this was one of a pair of Ex MOD houses located off Europa Road. It was a 3 Storey building with basement and external terraces with semi mature and mature trees and an outdoor swimming pool.

Outline Application was approved back in 2016 for a complete redevelopment of the site, retaining some of the existing structures and the 1st floor level at Europa Road to be kept.

In March 2021 a new application was submitted for the full demolition of the building and partial excavation of site to create a 4 storey dwelling including a new pool and new vehicular access from Buena Vista Road. This scheme was refused due to the loss of the character of the upper level in particular facing Europa Road and lack of visible landscaping.

The new proposal has been reduced in footprint and has a proposed garage at Buena Vista Road with lift access to the building above. 3 existing parking spaces have been omitted and replaced with new planters. GB went on to explain the layout of the different floors.

An existing stair access from Buena Vista Road is to be rebuilt, a large pine tree is to be retained, and a new pool at first floor level with new landscaping is proposed. Levels are reduced as the building steps up, a new public footpath is proposed on Europa Road, setting back of boundary wall and the incorporation of a pitch roof. The proposed development will have rendered and painted facades, glazed elements, flat and pitched roofs, greenery, relocation of 3 trees and proposal for planting of new trees

In terms of sustainability solar panels, rainwater harvesting, air source heat pumps, led lighting, and green roofs are proposed and it is hoped to achieve an energy efficiency rating of A+.

GB reported that:

- DOE have no objection but requested bird and bat surveys and provision of nests. They have no need for a Predictive EPC as the site was recently surveyed. No requirements for refuse storage.
- Ministry for Heritage prefers the retention of the building but acknowledges it has no significant Heritage value so would not object to permission being granted. A photographic survey and watching brief for excavation works would be required.

- The Traffic Commission and Ministry for Transport had no objections and welcomed the public footpath along Europa Road and the new garage at basement level.

GB said the application was subject to public participation and 2 letters in favour were received.

GB considered that the massing was acceptable and welcomed the changes from the previous scheme. A pitched roof is now proposed as opposed to the previous flat roof and existing views to Europa Road are kept. GB welcomed the extensive landscaping and keeping of mature trees and the reduction in the building footprint and the proposed footpath to Europa Road. GB recommended approval with the standard conditions, and suggested the western elevation façade should be set back slightly at the lower level to break up the massing.

The Chairman commented that in relation to setting back on the west side the applicant was considering this and it would involve providing additional landscaping.

JH said this development is still a lot larger and asked what the increase in built area was.

The Chairman asked GB if he had that information and as he did not have it available the Chairman put the question to Mr Daniel Rios (DR) acting on behalf of the applicant.

DR thanked the authorities for the help given for this application and told JH they have reduced the massing of the building and have kept within the approved scheme.

DR confirmed they had kept within the parameters of the previously approved scheme.

JH said there is a lot of green area and hoped this would be kept.

DR said he was hoping to work with the DOE on the landscaping.

MESCCE said he met with the applicant and the scheme has improved from the previous one but said he had problems with the massing and the access from Buena Vista Road and he felt this is a huge development and does not support this.

CAM said she had always concentrated on streetscape character along Europa Road and the pairing of the new house with the adjacent one. The applicants have addressed these issues and she wanted to thank the applicant and agent. She said if it were to be approved an archeological watching brief and desk based assessment would be required

JH highlighted an issue with a drain near the proposed vehicular entrance on Buena Vista Road, that was protected by a kerb and which represented an obstruction to vehicles. She stated they would need to work with the authorities to make this safer.

The Chairman asked for a vote on the application as submitted in accordance with the planning recommendations.

Votes in favour – 6

Votes against -3

Abstentions - 1

The application was approved.

The Chairman advised the applicant to liaise with the relevant stakeholders as they progress with the design.

Minor and Other Works – not within scope of delegated powers

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

237/22 -F/17960/21-12/2 Buena Vista Road, Gibraltar -- Proposed construction of a new terrace on the first floor level, installation of French window openings to match existing and associated external alterations

This application was approved.

238/22 -F/18088/22-North Front Cemetery, Halifax Road -- Proposed construction of new mausoleum and burial vault.

MESCCE said this proposal still does not have landlords consent. This is still being considered and the intention is to have a plan for where such structures would be acceptable as otherwise this could develop in an ad hoc manner and so he asked for it to be deferred.

The Chairman asked whether the proposal was linked to the site as there was an existing vault there.

MESCCE said he believed there is an existing vault but that what is currently being considered is allowing such structures without a plan in place.

It was agreed to defer the application.

239/22 -F/18092/22-1 Rosia Court -- Proposed construction of a rooftop extension and internal alterations.

This application was approved.

Applications Granted by Subcommittee under delegated powers (For Information Only)

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

240/22 -F/17577/21-5 Phillimore House, Buena Vista Estate -- Proposed minor alterations to residence and garage works.

241/22 -F/17764/21-8 Reclamation Road -- Proposed internal alterations and erection of extraction flue.

Extraction flue not approved.

- 242/22 -F/17819/21-31**Engineers Lane -- Proposed refit of unit to be used as a cafeteria.
- 243/22 -F/17972/22-68** and 70 Main Street -- Proposed alterations, shop refurbishment works and amalgamation into a single unit.
- 244/22 -F/18001/22-Vault 5**, 12-21 Fish Market Road -- Proposed change of use from general industrial (Class B2) to food and drink (Class A3) with associated internal alterations.
- 245/22 -F/18013/22-202** Both Worlds -- Proposed removal of existing window/door and replacement with new double door within existing opening.
- 246/22-F/18071/22-Waterport Place**, Europort Road -- Proposed single storey extension on existing roof terrace.
- 247/22 -F/18079/21-Villa La Cumbre**, 9A Gardiner's -- Retrospective application for the construction of a lower floor apartment with removal of existing staircase joining the upper and lower floors and addition of bedroom 3 and shower room to new upper floor apartment.
- 248/22 -F/18091/22-Old Gibraltar Chronicle Printing Works**, Library Gardens -- Proposed installation of handrail.
- 249/22 -F/18096/22-5 Bakewell House**, 17 Devil's Tower Road -- Proposed replacement of windows.
- 250/22 -F/18100/22-910** Harmony, Ocean Spa Plaza -- Proposed installation of glass curtains.
- 251/22 -F/18101/21-33/1** Cumberland Road -- Proposed extension into light well and internal alterations.
- 252/22 -F/18105/22-412** Royal Ocean Plaza, Ocean Village -- Proposed installation of glass curtains.
- 253/22 -F/18111/22-709** Seashell House, Beach View Terraces -- Proposed installation of glass curtains.
- 254/22 -F/18117/22-10** Cornwall's Lane -- Proposed access corridor created at 1st level in existing light well to provide alternative access to apartment.
- 255/22 -F/18123/22-1B** Ocean Heights, Fish Market Lane -- Proposed replacement of windows with double glazed units
- 256/22 -F/18132/22-The Bungalow**, 34 South Barrack Road -- Proposed demolition of conservatory and construction of an extension to the property.
- 257/22 -F/18139/22-Unit F18**, Europa Business Centre, Rosia Road -- Proposed change of use of office to laundry and associated internal alterations.
- 258/22 -F/18145/22-Unit 120b** Police Station, 120 Irish Town -- Proposed change of use of restaurant (Class A3) to office (Class A2).
- 259/22 -F/18167/22-801** Europlaza, Harbour Views Road -- Proposed installation of awning.
- 260/22 -F/18180/22-7** Gibraltar Heights -- Proposed refurbishment to include replacement of windows/doors and installation of AC units.
- 261/22 -F/18190/22G-Tarik** Road -- Proposed installation of two new interpretation panels next to access bridge overlooking the Atarazana archaeological site.

262/22 -F/18196/22-House 1, 8 Naval Hospital Hill -- Proposed new swimming pool.

263/22 -F/18202/22-2A Cornwall Lane -- Proposed conversion of unit into shop, security grille and new shopsign.

264/22 -F/18210/22-501 Wellington Court, Devil's Tower Road -- Retrospective planning application for replacement of windows and balcony door.

265/22 -F/18222/22-1004 West One, Europort Road -- Proposed installation of glass curtains.

266/22 -F/18235/22-12 Eastern Beach Road -- Retrospective application for a kiosk.

267/22 -A/18179/22-Winston Churchill Avenue – Proposed lamp post banners.

268/22 -MA/18063/22-4 Library Gardens -- Proposed refurbishment of house and construction of new roof and part storey extension.

--*Consideration of proposed Minor Amendments including:*

- *Two x new upvc framed double glazed windows on flank wall.*

269/22 -MA/18164/22-92 Devil's Tower Road -- Proposed construction of a multi-storey residential development including ancillary and commercial accommodation and automated car-parking system.

--*Consideration of proposed Minor Amendments including:*

- *Changing one-bedroom apartment at first floor level into two-bedroom apartment and updated access arrangement from lobby to first floor apartment.*

270/22 -MA/18192/22-The Cafeteria Europa Point Express Recreation Area -- Proposed external pergola enclosure.

Consideration of proposed Minor Amendments including:

- *Proposed timber composite decking and fixed glass enclosure.*

271/22--Anyother business

The Chairman thanked the members and said the next meeting was scheduled for 19th July 2022.

Chris Key

Secretary to the

Development and Planning Commission (Acting)