

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 9th meeting of the Development and Planning Commission held remotely via video conferencing on 14th September 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 (MESCCE)
(Minister for Environment, Sustainability, Climate Change and Education)
 - Mr Emil Hermida (EH)
(Technical Services Department)
 - Mr G Matto (GM)
(Technical Services Department)
 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)
 - Mr A Brittenden (AB)
(Land Property Services)
 - Dr K Bensusan (KB)
(Gibraltar Ornithological & Natural History Society)
 - Mr C Viagas (CV)
 - Mrs J Howitt (JH)
(Environmental Safety Group)
 - Mr M Cooper (MC)
(Rep Commander British Forces, Gibraltar)
- In attendance:**
- Mr C Key (CK)
(Deputy Town Planner) *Acting*
 - Ms S McNeice
(Minute Secretary)
- Apologies:**
- The Hon Dr J Garcia
(Deputy Chief Minister)
 - Mr K De Los Santos
(Land Property Services)

Approval of Minutes

317/22 Approval of Minutes of the 7th meeting of 2022 held on the 19th July 2022 and the 8th meeting of 2022 held on 3 August 2022.

The draft minutes of the 7th and 8th meetings were approved.

Matters Arising

318/22 – 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.

CK reported that legal advice on the status of the decision made previously by the Commission on this application, had been sought and circulated to Members, the effect of which was that the Commission had granted permission subject to a number of revisions being made. The Commission was, therefore, now required to take a decision on the changes that have been made only, and not the principle of the development as a whole.

The changes required were the setting back of the extension on the west elevation, removal of lift overrun at roof level to only be accessible for maintenance purposes and raising the height of the extension.

CK stated that from the planning perspective the changes made were in line with the Commission's requirements except for the inclusion of the usable roof terrace with the lift access.

CK confirmed that planning has no objections to the roof terrace and the lift access following the submission of additional information confirming the visual impact would not be intrusive and recommended the approval of the application.

The Chairman said the Commission needed to take a decision on the revised scheme with the exception being the overrun and the use of the roof area as a usable space.

Planning recommendations are to approve the changes.

There were no comments from members.

The application was approved in line with the Planning recommendations.

Major Developments

319/22 – F/16799/20 – Devil's Tongue, Queensway -- Proposed development of a multistory mixed use development to include residential, aparthotels, offices, commercial, retail, cafe / restaurants and underground car park. proposals include a public podium level comprising retail and public spaces.

CK stated that this was a revised scheme, a DPC paper had been circulated together with an addendum in respect of the revised scheme. CK showed visuals of the outline scheme approved back in December 2018.

The outline scheme was for a 17 storey mixed use building, 2 levels of underground parking, residential units, office space, commercial units, and open public areas at ground level.

It had been approved in December 2018 and a renewal request was submitted but rejected by the Commission as the applicant had already submitted a full application.

In January 2021 the DPC considered the full application but deferred making a decision on the application as there were concerns with the height, massing and scale of the development. In December 2021 a revised scheme was submitted to Town Planning for informal comments and the applicant had also discussed it with some members of the Commission.

Following feedback from Town Planning, a second revision was submitted in May 2022 for consideration and this is the scheme being considered at this meeting.

The revised proposals are for a mixed-use 16 storey building with 84 apartments, 1500sq meters of commercial floor space, 19 stores, public open space at ground level, partial underground covered parking and parking on ground and first floors providing 88 parking spaces.

There have been changes to the overall proposed scheme, which included massing, some removal of external glazing, omission of overhanging raking facades to reduce visual impact of the building, omission of the aparthotel from the scheme and an increase in residential units. CK showed some comparison slides and a video.

CK reported on consultee comments:

DCA had no objections with the revised scheme.

MH said latest submission achieves a reduction of the building profile and is less overpowering in the street scene. Proposed development has no direct impact on the heritage sites and had no objections

MT said the revised scheme satisfies parking regulations and requires some visitor bicycle parking provided at ground floor level, details of electric vehicle charging points to be provided in accordance with the regulations. Full swept path analysis for the access/egress to be submitted and ratified by the Traffic Commission prior to any planning permission being issued and the temporary closure of roads during construction not to be accepted.

TSD had no objections.

No comments from DOE, GHT and LPS.

The revised proposals were subject to public participation and six sets of representations had been received including a petition from residents at Montague Crescent signed by 83 individuals. None of the objectors wanted to address the Commission.

Summary of objections submitted were as follows:

- Proposed development not keeping with other buildings in the area.
- Proposed development will detract from the historic city walls.

- Proposed development will obstruct views.
- Proposed development not in line with the Government's green agenda.
- Proposed development will increase traffic congestion.
- Increase of noise and air quality during construction.
- Reduction of natural light, loss of views and privacy.
- Site should be an open green area.

CK reported that the applicant had provided counter representations stating that they consider the representation are not different to those previously submitted. Some comments refer to inconvenience during construction and the applicant will have to abide by conditions imposed by the Commission and different departments. High-rise buildings in Gibraltar is an ongoing situation, issue of height and massing had been addressed. Design proposals are an improvement to the previous scheme.

CK reported that Planning considers the revised scheme has considered the comments it had made previously and is consistent with planning policy.

Planning recommends approval of the application subject to the swept path analysis submitted and ratified by the Traffic Commission before issuing any planning permission and conditions set out on the DPC paper.

MESCCE said the DOE have submitted comments and read out the summary of their comments:

- There was no reference to zero energy building requirements
- They welcome the reduction in the amount of glazed façade.
- Zero energy needs to be met.
- 50% of the grey water of the building to be recycled to be reused for irrigation and cleaning
- Bat and bird surveys.

MHEYS said there should be more electric points in the car parking area, bike lanes should be incorporated and the area around the site should have proper pedestrian crossings and paths. This should be a zero carbon building, solar panels and re-use of water as stated by MESCCE.

JH said even though there have been changes to the building, the massing is still large and heavy-looking and very near the city walls. She said she was surprised there was no information on the zero energy in the documentation and how this would be met. She asked if it was possible for a project of this size is to function and meet all the requirements. She said they would refrain from voting at this stage, as they were still concerned about it.

The Chairman said regulations had to be met on renewables and energy efficiency. The applicant won't be able to give an answer until the design has been worked up to a higher level of detail. On MESCCE's comment on grey water, this would have to be an additional condition on the planning permit.

JH said that no information had been provided on that and yet other big projects have had this information available and this should be the norm.

KB said there should be a condition on anti-bird measures and commended the developers and architects on the changes to the project.

The Chairman said the recommendation was to approve the application and asked if the Members agreed.

CAM said the GHT objections had been on the scale and mass of the development and the proximity to the city walls. The changes to the building help it to blend in better with the surrounding areas.

JH said she abstained from voting.

MHEYS asked if this was to be approved would all the conditions that had been put forward be included in this.

The Chairman responded that it would be the recommendations put forward by the Planning department and said that the applicant had been in contact with the Ministry of Transport in connection with highway matters. The Chairman asked the applicant if they could confirm this.

The applicant said they had discussions with the Ministry for Transport.

Following a discussion about the percentage of active EVCPs the Chairman stated that 40% active had been applied in some other cases and asked if this would be acceptable.

Michael Carlton (MC) (for the applicant) said this would be acceptable.

MHEYS said that he would want to see more than 40%.

The Chairman said that there needed to be consistency across applications and that if 40% were active the applicant would need to provide the infrastructure for the remaining points so that in future they would just need the pointy to be installed

MESCCE said 40% is too low and the developer should cater for 100% capacity. He said he wanted to hear comments from the developer on the ability to make this a nearly zero energy building He said he was still concerned with the scale of this project.

MC said the scheme would meet all of government requirements. Electric charging point infrastructure will be provided. He said they had been working very closely with DCM on the massing of the building and changes made based on those discussions.

MESCCE said he would reluctantly accept 40% and should be more but as the infrastructure is there for the future this reassures him. He said he was still not happy with the massing and it was excessive and might abstain from voting. He was reassured on the research on the near zero energy building and this has to be confirmed before building can start as this is a legal requirement. DOE is happy to support and assist if it is approved today.

The Chairman asked for a vote on approval of the application subject to Town Planning's recommendations, 40% EVCP/60% passive, and grey water recycling.

In favour - 5

Against - 1

Abstentions - 5

The application was approved subject to conditions.

320/22 – O/16992/20 – Both Worlds (South Site), Sir Herbert Miles Road -- Proposed construction of a part six and part seven storey residential development comprising 13 x apartments and a separate three storey dwelling to the south connected to the main building by a bridge as well as 30 car parking spaces (28 in the two storey carpark including 15 x public car parking spaces to fulfil an outstanding requirement and two x spaces for the detached house accessed off Sir Herbert Miles Road) and storage facilities.

CK welcomed the applicants and invited them to make their presentation.

Ruth Massias Greenberg (RMG) said there was a previous application for a multi storey carpark which was approved and this was further, in extent than the current proposals. This scheme is far more conservative in scale than other developments previously proposed and they wanted the scale to fit in with the massing of the Sandy Bay development.

Sara Mendez (SM) explained the extensive studies that had been carried out:

- EIA screening – response no EIA required.
- Accessibility Assessment / Road Safety Audit.
- Heritage Impact Assessment.
- Initial Geotechnical Assessment.
- Ecological Surveys.
- Ecological Assessment.
- Visual Impact Survey.

RMG said they felt it was essential to mark the end of the transition zone between the built environment and the natural sea front. The area to be built is already considered a brown field site which was previously developed and now derelict. There is a current derelict concrete platform, both a risk and an eyesore. Pedestrian access to the beach is also a challenge and said their aim in this project is for this to be improved. The proposed scheme takes only a portion of the site in both scale and massing and the proposals are on a completely different scale to other projects approved along the same coastline.

On sustainability, she said the form of the buildings themselves are orientated in a way that the roofscapes directly face the sun path making them optimal for solar panels and create passively shaded spaces. She said they were newer in style to the Both Worlds Development but still in-keeping.

MHEYS asked the developers if they were considering widening the road at the top of the development.

RMG said the key was the access to the beach area and they are liaising with Technical Services as this is a key retaining wall and this would need to be looked at engineering wise.

SM said the initial accessibility survey did anticipate the widening the road at the entrance and at the curb and believes there is enough space with the existing road width and they want to retain as much vegetation as possible along the road

MHEYS asked if this would be part of the conditions

The Chairman said if the application was to be approved this would be added as a condition.

JH said since 2015 they had been giving feedback on the proposed projects in this area and sharing their concerns. This is valued as an open area, as a public amenity and an ecological area. Very difficult access point to the beach but it is a pedestrian access point. She said they had not seen how much vegetation and trees had to go in order to fulfill access requirements as it was vital for safety to have clear line of sight in and out of the development. The whole area was going to be affected and there would be changes to the surrounding area and not only to the site being developed. She said this should be shown not as a condition but as a plan to show the changes in the surrounding areas. This will add a lot of traffic in what is already a narrow road. If this is approved, it will still affect the vegetated area because of added shading. She asked the applicant to respond.

SM responded to JH saying the Ecological Assessment did cover the vegetation that could be lost to the road and they did not include the entrance to the road as the preliminary access review did not think this would be a major intervention at this concept stage. They want to keep as much vegetation on this road. This would be looked at.

JH said this information should have been provided as part of the project and not at later stage as this would cause great changes to the site and there was a need for proper details on this.

RMG said this was an outline planning scheme and they still have no assurance whether the project is favorable. All these points will be put forward at full planning scheme design.

JH said this was mixed private land with public amenity use and that public access is fundamental and people want to see the natural area preserved and the public access protected.

Solomon Massias (SoM) said this was a priority for them as well and JH's concerns were important to them.

CK reported on the consultee comments:

DOE - Gibraltar has a limited coastline and is unique and should be preserved and enhanced and not developed. They do not support any encroachment of the development on the beach. No evidence of adaptation planning had been presented in the outline planning. Concerns of the proximity of the development to the Rock with an increase of rock falls in the past years and overall they object to the development.

WHO requested a Heritage Impact Assessment, which has been submitted by the applicant, and they consider that assessment is transparent and thorough. There would be a negligible impact on the World Heritage Site and its buffer zone and confirms the loss of habitat to the northern part of the site would result in permanent minor adverse change but would not affect the function of the buffer zone. They confirm the sand dune would not be affected and there would be no risk to the inscription of the site as a UNESCO World Heritage property. Adverse impacts arise from changes in setting and views and they note that the Heritage Impact Assessment states that the increasing amount of modern development along Sandy Bay detracts from the unspoilt experience of the surviving prehistoric setting and the application needs careful consideration by the Commission as it will alter the character of the area and the surroundings and will have wider impacts.

MH, like the WHO, were requesting a Heritage Impact Assessment and they agreed with the conclusion and mitigation measures proposed. They consider the proposed development may decontextualise the World War military assets on part of the site. If outline planning permission is granted, conditions should be included for the restoration and maintenance of

the Heritage assets and their interpretation as well as a level 2 historic building survey. They consider the development has an impact on the World Heritage Site and should be used as an opportunity to inform the public on the history of the Gorham's Cave complex.

MT confirm that parking provision satisfies the Town Planning regulations and note the 15 parking spaces for public parking but need details of how this will be controlled. They request electric vehicle charging points to be provided for the parking spaces including the public spaces and well as cycle parking in the full submission. The existing access and egress to the site is challenging and requires a full traffic plan and assessment to be carried out.

TSD confirm they were not satisfied with the geotechnical assessment and required a much more detailed one to be provided at full planning to show the existing catch fence in that area provides suitable protection. If any marine works are required they note this would require details.

Traffic Commission consider the detached house creates an issue with pedestrians crossing flow of traffic, should not have a private carport, and parking should instead be provided within the main carpark. Concern that there were no sight lines, need junction improvements to Sir Herbert Miles Road, and want physical segregation provided between pedestrians and vehicles down the slip road.

GHT, LPS had no comments at the time.

The application has been subject to public participation and 14 representations were received, none of which requested to address the Commission. Summary of points raised were as follows.

- Overlooking of Both Worlds.
- Negative impact of traffic and pollution level in the area.
- Negative impact on the coastline and wild life including the loss of local plants on the rock including sea lavender.
- Concerns the development would have a negative impact on the landscape character of the area.
- The site is prone to geologically challenging conditions with threatening rock falls in the area.
- The development would result in encroachment to the bathing area.
- Further demands to the infrastructure including sewage system.
- It would block the last remaining public coastal promenade views towards Sandy Bay and its surrounding scenery.
- The development would create a disruption to the beach access during construction phase of the development.
- Built on virgin coastal green space.
- Impact on structures of Heritage value.
- Developers should provide a path or pavement along the sea facing perimeter of the new building.

The applicant did not provide any counter representations

CK concluded:

This is a significant development in the context of Sandy Bay being a constrained area which has seen limited developments in the past, contains structures of Heritage value, its closeness to the nature reserve, located on the boundary of the Buffer Zone and the World Heritage Site as well. The proposed development requires careful consideration by the Commission as there are a number of planning issues related to the project.

The Northern part of the site comprises the derelict concrete platform and is considered to be a brownfield site which was previously developed land. The Northern part of the site also benefits from an allocation of a multi storey car park, which was granted an outline planning permission, which is now expired. There was an outstanding requirement for the developer to provide 15 parking spaces for the public.

There are no objections for the northern site to be built on but any development should be restricted to the footprint of the car park that was previously built on the site and should not encroach onto the public beach. Southern part of the site constitutes natural vegetated land which contains Heritage assets going back to the second World War. The height of the proposed detached dwelling is considered to obstruct views from Sir Herbert Miles Road onto Sandy Bay. The comments from the DOE, MH and WHO are all very valid.

From a planning perspective, it is considered that these points can be addressed satisfactorily to a large extent by omitting the southern element from the proposals which would be the detached house. The landscape and visual impact assessment submitted is not fully acceptable as it is a collection of visuals and did not provide an assessment of the landscape and visual impact in accordance with industry standards.

If the southern element was to be omitted and the height of the northern element capped so it's no higher than the Both Worlds development, then this would assist in assimilating the development better into the surrounding area, it would be solely built on previously developed land and would significantly limit any environmental or heritage impacts whilst retaining public views.

CK recommended outline planning permission be granted on the basis that the southern building is omitted and the footprint of the northern building is restricted to the previously developed footprint and the height capped so that it does not exceed the development adjacent to it, and there would also be an extensive set of conditions to be set out.

CAM stated from a Heritage point of view there are some planning gains in having the Historical site getting some attention and interpretation to be brought into the public domain. It is difficult to reconcile the impact and presence of such a build in an open although derelict, space on the coastline. She agrees with the summary and the DOE on the southern block as it is excessive, goes onto green area with cliffs, and is unsightly. It is difficult to reconcile the gains over the impact this will have on the beach and coastline.

MESCCE agrees with the Town Planner's recommendations. He expressed concerns with the extension to the south, mainly the visual impact from the sea and the views of the sea from land. He welcomed the commitment to a Habitat Management Plan, this should be discussed with the DOE, and maybe GONHS which would like to form part of the discussions. There should be a requirement for biodiversity gain as there is a considerable amount of invasive species on the area just to the west and this should be included as a condition. The applicant should agree that the area within their lease be annexed to the Gibraltar Nature Reserve so legal protection is ensured in the area. Energy efficiency will be much easier to achieve in these buildings.

KB said he led on the Ecological Surveys and it would constitute a conflict of interest only if he were to argue in favour representing the views of GONHS and GONHS is not in favour. The Town Planner's recommendations differs substantially from the submission and constitutes a completely different design. He said the most appropriate action would be to reject the submission and give the applicants a chance to resubmit and new proposal

RMG said that as we are omitting, rather than adding, it is a relatively easy task that can be carried out to revisit the design and does not think this is an issue.

JH said this land has an ecological value and this part should be protected and can't be planted somewhere else, and furthermore, that this part of our coastline should be protected. This will have a negative impact on the vegetation. There are many areas that they are concerned with and could not support even a condensed version of a development there and knows the applicant are trying their best but that they have always said they care about the vegetated space and the open areas.

RMG the majority of the site is a derelict concrete platform and that the natural areas have been studied but much of the site is a brown field site.

GM said he was not objecting to the proposal. He said this was a brownfield and derelict site and welcomed that this area will be developed.

MESCEE said if this were to be approved, a condition for a habitat management plan to achieve biodiversity gain is important, if carried out on the area across the road on the lower end of the sand slopes there can be a significant increase in plant biodiversity.

The Chairman said the recommendation is to approve the application with the omission of the detached house on the southern part of the site and the reduction of the height of the main building to the same height as the Both World development. If approved a revised scheme would need to be submitted to show that it would be feasible to meet the parameters specified by Town Planning before the issuing of the outline planning permission, which would include the conditions raised today at the meeting and outlined in the DPC Paper.

A vote was taken:

In favour - 7

Against - 4

Application approved by majority vote.

321/22 – O/18248/22 – 1/7 Bayside Road -- Proposed ground plus twelve storey residential building with associated car park and amenities plus a commercial unit (Class A1, A2 AND A3) on the ground floor.

CK reported that this is a vacant and derelict 3 storey building. The existing building is residential on the upper floors and offices and garages on the lower floor with some existing parking spaces. CK showed some photos of the site and the surrounding area.

This outline application proposes a part 12 and part 13 storey building to provide 65 residential units with a mix of one bedroom to five bedroom flats with 87 car parking spaces, 30 secure cycle

parking and 16 motorcycle parking spaces. Amenities are proposed at roof top level and at ground floor, one commercial unit is proposed. The existing access to the northern part of the site is retained to provide access/egress to the ground floor parking spaces, and a new access is provided to the south-west with ramped access to proposed parking on first and second floors. The 12 floors will be residential units with a roof top landscaped terrace with pool, viewing deck and spa and gym facility, a canopy and solar shading.

CK showed elevations and visuals. The proposals involve a white sculptural element which revolves around the different orientations of the building and slices through it to provide a series of planes which add expression and provide privacy and shading to the balconies. Materials are to include stone, metal and glass. Landscaping is proposed throughout the site with a green wall to the first and second floor parking. An indicative aeronautical analysis has indicated that the proposal is not envisaged to infringe the OLS and an indicative sustainability statement had also been submitted. They intend to use solar gains from the building orientation, natural ventilation, electric vehicle charging points, green/brown roofs, rain water harvesting and potential for grey water harvesting.

CK summarised the consultees' comments:

DCA had no objections subject to an Aeronautical study and wind study to be produced at full planning stage. Due to the proximity of the runway the area is not suitable for bird and bat nesting sites and this would need to be provided on an alternative site which needs to be agreed with the DOE.

DOE require an EPC and a sustainability and renewable statement at full planning confirming it would reach nearly zero energy building standards, they recommend PV panels and refuse requirements to be agreed at full planning stages.

Department of Housing, LPS, and TSD had no objections.

Ministry of Equality and GHT had no comments.

MH had no significant heritage concerns and would require an archaeological watching brief due to the location of the site.

MT confirmed parking requirements have been met. CK confirmed the loss of 1 on-street parking space as a result of the new access at ground floor level and they want this to be mitigated for and relocated as it forms part of the Glacis Estate residential zone. They require a full swept path analysis to show that no more than one space will be lost and ratified by Traffic Commission prior to any outline planning permission. No in principle objection to retaining the vehicle access north but note that this road exit may be closed in the future due to the stadium project and this would then need to be reconfigured, Public and visitor cycle parking's to be provided at ground level.

CK said that the application was subject to public participation and no representations had been received.

CK concluded:

- No objections to the demolition of the building.
- No objections to the construction of a building of this height, scale and mass.
- Welcome the architectural approach.
- Proposed architectural language, materials and fenestration at this stage are welcomed.
- Proposal would enhance this area.
- Welcome the indicative landscaping and sustainability measures but require this to be worked up at the full planning stages to make sure it meets nearly zero energy building standards.
- Welcome electric vehicle car charging points, shortfall in bike and bicycle spaces should be met.

CK recommended approval of this application subject to the ratification of the transport matters by the Traffic Commission before any outline planning permission is to be issued. Matters to be addressed in the Town Planning report should be added as conditions.

MESCCE had no objections to the development but has issues with the recommendations relating to the behavior of birds relative to the distance from the airfield and did not see any potential impact. However, he would take this up separately. He requested 50% grey water recovery, electric vehicle charging points and care to be taken in the species to be used in green walls and their orientation.

MHEYS said every development should consider the roads surrounding the areas for the adding of bicycle lanes and wider pedestrian areas. He said this development should coordinate with the stadium application.

MESCEE said he had taken note of the periphery of the area with consideration given to cycle lanes and the planting around the project. He encouraged vegetation not only on the ground level but also throughout the building.

JH said a holistic plan for car movements, access, egress in that area is crucial. Safe pedestrian access to the area should be looked at such as crossings, etc. The building is attractive and not massive and the existing building has had its time.

MESCEE said he was aware that the MT has plans for Bayside Road and recommended the developer to consult with the MT.

The Chairman said the recommendation was to approve the application subject to conditions.

The application was approved unanimously.

322/22 - F/18250/22 - Former King George V Site, South Barrack Road -- Proposed residential development.

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CK summarised the proposal as having three residential buildings providing 12 units including apartments and duplexes ranging from three to five bedrooms. Former outline application was approved in November 2021.

There have been some changes to the detail design of the development, including the re-adjustment of parking provision to comply with the regulations and spaces fitted with electrical vehicle charging points.

The building should achieve nearly zero energy building standards and whilst details are not finalized are likely to include solar shading, glazing, passive and natural ventilation, heat pumps for space cooling and heating and hot water production, pv panels on the roof, energy efficient lifts and use of grey water recycling.

West façade to be bought back to the original state before it became a hospital and CK went on to show visuals, elements, and landscaping arrangements.

CK reported on the consultee comments:

DOE are satisfied with the proposed landscaping details, no issues providing the scheme meets zero energy standards but do require additional clarification on the types of renewables and other energy saving technology. Birds, bat locations to be agreed, and the cleansing superintendent has confirmed the refuse arrangements, and the pool should have salt water instead of portable water.

MH require an archeological watching brief and are happy with the proposed development which will regenerate the site.

MT and TSD have no objections.

LPS, WHO and GHT had no comments.

Applicant has confirmed that they have a close working relationship with the developers at the adjacent Bishop Healey House and they are working towards a scheme that will work for both parties.

CK concluded:

The scheme has addressed concerns from the Commission regarding the extent of glazing through the introduction of solar shading which has also added interest to the façade. No objections to the enhancement of the heritage façade. Planning welcomes the zero energy building and meeting the A rating. Confirmation of 10% net biodiversity gain will be required.

The application was recommended for approval with conditions relating to renewable energy, biodiversity, maintenance for landscaping, fire strategy, bird and bats, salt water pool, heritage survey and lighting strategy.

MESCCE referred to a tree on slide 4 and wanted clarification if this was on the adjacent property and enquired about the planters which were to be introduced at the far end of the development. CK said that this had been removed as Bishop Healy House was being built up to the boundary and no planter would be placed there as previously proposed.

MESCCE said he was not convinced and thinks this is unfortunate and was surprised this has been removed and maybe this could be replaced with a green wall and said he had no objections to the proposal.

Mr Jimmy Garbarino (JG) on behalf of the applicant said they were proposing a boundary line between both developments and that there had been a problem on the boundary lines with LPS and this is why the changes had been carried out. This will be compensated with a green wall and create other green areas around the development.

JG referred to a comment made by CK on the pools and salt water and said they needed space to store the water to then recycle, therefore the pools would double up as storage for sprinklers and suggested if those pools could be fresh water and the pools on the ground floor to be salt water. Asked if this could be dealt with holistically.

MESCCE they have voluntarily introduced the grey water recycling and said the requirement for salt water pools could be discussed.

The Chairman said this could be accommodated with a condition on the planning permission and agreed with the Department of the Environment

JH said the development was beautifully designed.

The Chairman asked Members if this application could be approved with the recommendations and the condition about the use of salt water and grey water recycling.

The application was approved unanimously.

Other Developments

323/22 – F/18214/22 – Buena Vista Park, Europa Road -- Proposed construction of single dwelling to replace two x dwellings that have previously been approved by the Commission.

CK stated that the site was at the south end of Phase 2 and the proposal was for the construction of one dwelling instead of the two dwellings previously approved. There have been some changes to the mass being more solid because of combining the two dwellings. The access and egress has also been rationalised with just one access coming out onto Europa Road instead of two as previously. There has been a reduction of floor space, and increase in green area throughout the scheme. It retains a green sedum roof as previously approved, access to the blocked up gun emplacements is being provided and these will be used and restored as opposed to being left derelict. 6 car parking spaces and 3 bike parking spaces are provided although there is a lack of detail of electrical vehicle charging points.

Predictive EPC and sustainability statement was submitted and showed that the rating is currently slightly below nearly zero energy buildings standards and will require further work. Solar shading, pv panels, ground source heat pump technology and green sedum roofs are being provided. CK showed visuals and views.

CK reported on the consultee comment.:

DOE requires a predictive EPC confirming the application meets the nearly zero energy standards, bird and bat boxes to be finalised and no further refuse requirements needed.

GHT have no objections but the Europa Road façade could have some fenestration introduced or elements to soften it as currently it is quite stark.

WHO no objections.

MH require an archeological watching brief during any ground works.

TSD and MT have no objections.

Traffic Commission have no objections but require sight lines submitted on plans to ensure safe egress from the site.

LPS no comments.

Application has been subject to public participation and no representations received.

CK concluded:

No objections to the one dwelling, changes to the west façade have no real visual impact. No in-principle objections to the eastern façade although it was considered that fenestration should be added as the building mass appears stark and plain. Discussions had been held with the applicant and they have submitted a revised scheme which offers windows and a wider entrance onto Europa Road. On the Southern part of the site denser vegetation and trees are required to provide better screening. Planning welcomes the access to the blocked up gun emplacements.

Planning recommended approval subject to revised plans being submitted with respect to the eastern façade Depending on the Commission's views.

MESCCE said this was a horrendous development overall, he worked very hard against, and felt that it ruined that area. He noted the proposed changes or alterations to the heritage assets and that these would need to go through the Government archeologist and likely need a heritage license. He wanted the applicant to confirm if vegetation is being lost at the south end, and in any event it would need better screening. The southwestern wall looks like a horrible concrete wall and asked if it could be treated in some way.

Alex Dobbs (AD) for the applicant, confirmed the wall referred to by MESCCE was a historic retaining wall to be kept and restored. The trees around the edge are to be retained and no trees to be removed He said this was not part of the Buena Vista villas, this was a separate dwelling.

MHEYS said the developer should try to widen slightly the road so cyclists and pedestrians have easier walking access and asked if this could be added as a condition.

AB agreed to this and said it would be looked into.

The Chairman said if the Commission agreed, and if the application was to be approved, then this would be added as a condition.

JH said she found the whole estate very solid and very unfriendly with no landscaping. She remembers the loss of the Bella Sombra tree that was illegally removed from this site. JH wanted verification that landscaping in south part of site would not be touched as the plans did not show this.

The Chairman said that the landscaping on this part of the site needs to be bolstered and be less uniform and needs to provide a better depth of screening.

MESCEE said a landscape plan needs to be seen and approved and none of the green areas are to be covered with artificial grass, this needs to be soil and vegetation.

The Chairman queried MESCEE if the landscape plans could be agreed at departmental level or should be taken to DPC, MESCEE said this could be done at departmental level, and JH and KB would have to be consulted.

GM referred to a comment made by the applicant in which he said this was not part of the Buena Vista Park development and asked for clarification.

AB said this was part of the same development same sewer, access, etc, just that this has its own access.

The Chairman said the application had been recommended for approval with conditions, plus the additional ones mentioned at today's meeting. He clarified that the second option for the east façade, with additional fenestration, was being recommended and that revised plans would need to be submitted before issuing any permission.

The application was approved unanimously with the additional conditions relating to landscaping pavement widening and the second option for the eastern façade.

324/22 – F/18238/22 - 5B Red Sands Road -- Proposed change of use from shop (Class A1) to takeaway (Class A3).

CK reported that this is a vacant retail unit, single storey building originally used as a kiosk. The proposal is for a change of use from retail to a takeaway. Proposals include installation of an extractor on the roof, with no external changes to the unit and no proposed parking. CK showed some slides with the different extractor units.

CK reported on the consultee comments:

DOE, TSD and GHT had no objections.

Department of Housing object to the proposals as it goes against the department's policy to not have takeaways within Government estates.

Application has been subject to public participation and 1 objection was received with a petition signed by 66 residents.

Summary of the points raised were as follows:

- There is already an existing take away in the area at the Fire Station Club;
- Proposed takeaway will cause noise pollution.
- Increased loitering around the estate.
- Traffic concerns due to the lack of parking
- Littering, refuse, and increase of vermin around the area.

Richard Manning (RM), the applicant addressed the Commission:

He referred to the Fire House chicken takeaway that opened after the notices for RM's application had been publicized.

RM stated their concept was different to that of the fire house. He was aware of the objections and taken note. However, he referred to the fact that there were objections from 41 neighbours but that the estate has 431 flats. He feels it is a good site for residents. He referred to the objection from the Housing department and stated that there was confusion between Housing and LPS about who is responsible for this lease. Regarding littering, loitering and noise RM confirmed they would be only open normal working hours and procedures would be in place to avoid issues

JH stated that fume and emission controls is important and that it was good that this was being dealt with for the benefit of the residents in the area.

MHEYS said his Department had objected to this application. He said he was not convinced that the smell, smoke, noise, anti-social behavior would not be issues and that he objects to the project.

JH agreed that traffic would cause disturbance in the area.

CK concluded:

The main issue was the impact on the residential amenity. CK referred to planning policy to the effect that planning permission cannot be granted where there is an adverse effect on residential amenity. Concerns were raised by the Housing Department. CK noted that the applicant has set out a number of measures to resolve these issues but he considered that the proximity of residents to the site would result in an adverse effect. CK also noted the existence of an existing take away facility nearby and that the cumulative effect of two takeaways would exacerbate the adverse effects Planning recommends refusal of this application.

The Chairman said the recommendation is to refuse the application based on the proximity of the existing residential units likely to cause nuisance and disturbance from noise, odours and traffic.

Members agreed with the recommendation unanimously and the application was refused.

325/22 – MA/18289/22 – Second Floor I.C.C -- Proposed alteration and fit out of the former Primary Care Centre to become a day case and short stay hospital.

Consideration of proposed Minor Amendments including:

- increase the size and amount of plant on the third floor (roof) and installation of 3m high screening;
- change of windows to double glazed tilt and turn.
- linking of building around the octagon lightwell on the existing terrace.

CK reported that it was also proposed to replace the existing shutters with new aqua blue shutters, removal of metal railings on windows and linkage within the development.

CK summarised the consultee comments:

MH, TSD have no objections.

DOE, GHT, LPS no comments.

CK concluded, stating that there were no objections to the replacement of the windows as this will have minimal impact, welcome the replacement and refurbishment of the shutters, but have concerns on the aqua blue colour proposed, and that this should be taken up with the applicant. No objections to the removal of the metal railing on windows and no objections to the installation of louvers on the rear façade that is not visible to the public. No objections to the increase of the plant and the screening but there will be a visual impact with the installation of the screens.

The Chairman asked Mr Alex Dobbs(AD) (representing the applicant) if the shutters were to be replaced on both levels and this was confirmed to be the case by AD.

The Chairman asked if the windows were to be replaced on both floors and AB said it was only on the second floor and confirmed the windows would be different to the lower level windows with single pane windows as opposed to two pane windows.

The Chairman said that it was understood that the additional plant and screening was required as requirements are greater than originally planned for resulting in the need for extra plant and the need for screening. The Chairman noted that the plant is essential for the clinic in terms of the machinery that is going to be in use.

MESCCE had no objections but provision should be made for nest for swifts to be incorporated on the façade

The Chairman asked AB who would be responsible for the proposed landscaping screen and AB confirmed that this would be for the landlord and confirmed there is no specific commitment from the landlord in this respect. The applicant could only design in the planters as part of their scheme.

The Chairman noted that the application had been recommended for approval with the final colour scheme of the shutters to be agreed.

JH asked if any green measures would be introduced in terms of sustainability. AB confirmed that they are upgrading the windows, upgrading insulation and using most efficient equipment possible, but can't install PV panels as they don't have control of the overall building. They are making it as environmentally friendly and energy efficient as possible.

The Chairman asked if the application could be approved unanimously subject to a different colour for the shutters being agreed with Town Planning and the applicant

The application was approved unanimously.

Minor and Other Works- not within scope of delegated powers

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

326/22 – F/18254/22 – 6 Strait View Terraces -- Proposed rooftop apartment.

This application was approved.

327/22 – F/18317/22 – North Front Cemetery Forecourt, Halifax Road -- Proposed forecourt alterations.

This application was approved.

328/22 – F/18336/22 – 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.

This application was approved.

329/22 – D/18374/22 – Former King George V Site, South Barrack Road -- Proposed demolition of three-storey concrete frame structure with masonry panel infill and concrete strip foundations.

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

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

330/22 – F/16653/19 – 23 Willis's Road -- Proposed extension and associated works.

Consideration of proposed colour scheme to discharge Condition 2 of Planning Permit No. 7796.

331/22 – F/17666/21 – Flat 9, 3 Serfaty's Passage -- Proposed internal alterations and change of window.

332/22 – F/17816/21 – 1 Bella Vista Close -- Proposed variation of plot boundary to allow for widening of entrance.

Follows on from Outline application.

333/22 – F/18129/22 – 2 Library Villas, 14 Library Gardens -- Proposed extension and internal alterations.

334/22 – F/18135/22 – Lifeguard Post, Camp Bay -- Proposed installation of 4G micro antenna.

335/22 – F/18138/22 – Flat 133, 4th Floor, Block 1, Rosia Plaza, Rosia Parade -- Proposed installation of glass curtains, installation of new balcony door, blocking of balcony door from master bedroom and internal alterations.

336/22 – F/18160/21 – 32, Quay 31, Kings Wharf, Queensway -- Proposed installation of awnings.

337/22 – F/18174/22 – 3 Library Villas, 38a Prince Edward's Road -- Proposed internal alterations and blocking off existing terrace.

338/22 – F/18181/21 – 218 Mauretania, Both Worlds, Sir Herbert Miles Road -- Proposed change of fenestration and internal alterations.

339/22 – F/18194/22G – 1 Casemates Square -- Proposed installation of two interpretation panels next to access bridge overlooking the Atarazana archaeological site.

GoG Project

340/22 – F/18204/22 – 28 Ragged Staff Wharf, Queensway Quay -- Proposed replacement of windows.

341/22 – F/18213/22 – Ground Floor, 184 - 188 Main Street -- Proposed refurbishment of shopfront and carry out conversion of bar/cafe into bakery.

342/22 – F/18228/22 – 2nd Floor Main Terrace, 7 Nimbus House, Trade Winds -- Proposed installation of two x sun awnings on main terrace.

343/22 – F/18236/22 – 2A Elliot's Battery -- Proposed minor internal alterations and installation of new private swimming pool.

344/22 – F/18237/22 – 304 Europlaza, Block 1 -- Proposed installation of glass curtains.

345/22 – F/18243/22 – Unit 16B Grand Casemates Square -- Proposed installation of AC condenser.

346/22 – F/18246/22G – QM Mt Vehicle Shelter, Devils Tower Road Camp -- Construction of warehouse to store vehicles.

MoD Project

347/22 – F/18255/22 – 705 West One, Europort Road -- Proposed installation of glass curtains.

348/22 – F/18271/22 – 13/4 College lane -- Proposed conversion of flat roof into a terrace.

349/22 – F/18272/22 – 48, Quay 31, King's Wharf -- Proposed installation of an awning.

350/22 – F/18273/22 – 602 Grand Ocean Plaza, Ocean Village -- Proposed installation of glass curtains.

351/22 – F/18283/22 – 314 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains.

352/22 – F/18288/22 – Unit 7, 39/41 Line Wall Road -- Proposed change of use from office (Class A2) to retail beauty therapist and hairdressers (Class A1).

353/22 – F/18290/22 – 25 Queensway -- Proposed enclosure of external covered area.

354/22 – F/18294/22 – 61 Governors Street -- Proposed change of use from shop (Class A1) to cafeteria/food preparation (Class A3).

355/22 – F/18305/22 – 105 Ragged Staff Wharf, Queensway Quay -- Proposed installation of glass curtains and installation of replacement awnings.

356/22 – F/18306/22 – 13c Elliot's Battery, Elliot's Close -- Proposed replacement of external cupboard to match existing.

357/22 – F/18307/22 – 1D Centre Plaza -- Proposed amalgamation of two units to extend existing dental surgery.

358/22 – F/18318/22 – 503 Portland House, Glacis Road – Retrospective application for internal alterations and replacement of balcony door.

359/22 – F/18321/22 – Garage No. 3, Clifftop House, Windmill Hill Road -- Retrospective subdivision of a garage into two garages.

360/22 – F/18327/22 – House 3 South Barrack Mews, South Barrack Road -- Proposed increase in size of garage doors.

361/22 – A/18331/22 – Straits Apparel, 21 Cannon Lane -- Proposed installation of shop sign and vinyl.

362/22 – MA/18163/22 – 28 Europa Road -- Proposed refurbishment of dwelling.

Consideration of proposed Minor Amendments including:

- Refurbishment of roof terrace.

363/22 – MA/18212/22 – 14 Mount Road -- Demolition Of Existing Dwelling And Construction Of New Single Dwelling.

Consideration of proposed Minor Amendments including:

- ground floor changes including widening garage door, change part external staircase, widen front door entrance, widen window;
- first floor changes including increase in external glazing and internal alterations;
- second floor changes including staircase to the roof changed to gable end position and internal alterations;
- extend lift shaft to roof level, add glass lobby enclosure to lift door, new entrance position to new staircase and swimming pool.

364/22 – MA/18216/22 – 293B/1 Main Street -- Proposed minor alterations to apartment premises and new terrace.

Consideration of proposed Minor Amendments including:

- change of four x windows in living room and kitchen.

365/22 – MA/18231/22 – Town House 3, 59 Prince Edward's Road – Proposed internal alterations and remodeling including the construction of a small glazed lean-to addition to the rear of the property.

Consideration of proposed Minor Amendments including:

- removal of small glazed lean to addition to the rear of the property;
- proposed change of bi-folding windows to recessed window; and
- proposed minor alterations to internal room layouts and stair arrangement.

366/22 – MA/18244/22 – 30 Rosia Court, 21-23 Rosia Road -- Proposed extension to rear patio and new pergola.

Consideration of proposed Minor Amendments including:

- reconfiguration of the existing building

367/22 – MA/18284/22 – North Gorge, Europa Road -- Proposed construction of new eco-sustainable residential development, comprising 48 x residential units, access roads footpaths, storerooms, landscaping and other associated site works.

Consideration of proposed Minor Amendments including:

- amalgamation of Houses 1 and 2 into a single dwelling reducing total no. of units to 47;
- displacement of Houses 7 and 8 to allow for greater distance to existing tree with car parking spaces maintained (rotated 90 degrees);
- addition of a swimming pool at roof level and opening to basement level (facing south) to Houses 9 and 10;
- opening to basement level of south façade to House 14;
- basement below houses 19–24 included as part of each individual house, as opposed to communal stores—other communal stores further south not changing;
- changing of Houses 25–28 from Bay to Fennel typology;
- displacement of House 35, (shifted forward) due to site conditions; and

- Houses 39 and 40 Fig Type with four levels changed to three levels in height.

368/22 - MA/18291/22 - 5 Baca's Passage -- Proposed extension within terrace, internal alterations and refurbishment of property.

Consideration of proposed Minor Amendments including:

- removal of existing stairs and installation of new stairs to be installed;
- provision of new open space within existing atrium;
- removal of skylights;
- relocation of air conditioning units;
- replacement of some existing windows; and
- replacement of glass roof enclosure by new roof with tile finish to match existing.

369/22 – MA/18308/22 – 85 Main Street -- Proposed change of use from offices to dwellings and associated alterations.

Consideration of proposed Minor Amendments including:

- modifications to the proposed layout; and
- new windows opening to the internal patio.

370/22 – MA/18316/22 – 4/5 Poca Roca, Signal Station Hill, Upper Rock -- Proposed flat roof extension with new rear stair access and new roof finishes throughout.

Consideration of proposed Minor Amendments including:

- alterations to design of rear roof staircase; and
- change of galvanized railings to upper rear garden area to glass balustrading.

371/22 – 1555/ P/036/22 – Flat 1 and 2, 15 Hillside, South Barrack Road -- Painting façade with an acrylic render with a white mortar and refurbishment.

372/22 – 1555/ P/037/22 – 56 Governors Parade -- Painting of façade and repair works.

373/22 – Any other business

JH referred to item 18 and the fact that mobile phone antennae applications were being considered by subcommittee with their involvement and that this worked well. JH wanted to chase up on a previous application at Eastern Beach carpark where there was supposed to be a sign warning people not to loiter and a demarcated area to keep people away would be provided. This was agreed in writing and nothing has been put up this needs to be followed up.

JH referred to item 51 and requested that the current works are checked to ensure they are not removing vegetation that should not be removed.

The Chairman said the works at North Gorge would be checked by the relevant officer and that the Eastern Beach signage would also be chased up.

There being no other matters the Chairman thanked Members and noted that the next meeting would be held on 20th October 2022.

Chris Key

Secretary (Ag) to the

Development and Planning Commission