

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes for the 11th meeting of 2022 held remotely via video conferencing on 17th November 2022 at 9.30am

**Present:**

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

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

Mr H Montado (HM)  
(Chief Technical Officer)

Mr G Matto (GM)  
(Technical Services Department)

Mrs C Montado (CAM)  
(Gibraltar Heritage Trust)

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

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

Mr C Viagas (CV)

Mrs J Howitt (JH)  
(Environmental Safety Group)

Mr M Cooper (MC)  
(Rep Commander British Forces, Gibraltar)

**In attendance**

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

Mrs L Gonzalez  
(Minute Secretary)

**Apologies**

The Hon Dr J Garcia  
(Deputy Chief Minister)

## Approval of Minutes

### **420/22 – Approval of Minutes of the 9th meeting of 2022 held on 14th September 2022 and the 10th meeting of 2022 held on 20th October 2022.**

The minutes of the 9th meeting of 2022 held on 14th September 2022 and the 10th meeting of 2022 held on 20th October 2022 were not ready yet so this item was deferred.

## Matters Arising

- None

## Major Developments

### **421/22 - O/18186/22 - 10 To 18 Lancaster Road -- Proposed demolition of existing warehouse and construction of a new residential building and external refurbishment of façade of 18 Lancaster Road.**

CK explained that this outline application related to an existing part two and part four storey building which contains 14 residential flats, with a single storey warehouse to the rear with a double pitched roof. CK confirmed that the existing residential building does not benefit from any existing allocated parking and that the site is surrounded by a number of commercial and warehouse units.

CK explained that the applicant was seeking outline planning permission for the refurbishment of the building with a small extension to include one additional studio flat, as well as the demolition of the existing single storey warehouse to the rear of the site which would be replaced with a 15 storey residential building, 52 meters in height and would contain 20 x studio apartments with separate sleeping areas, 16 x two bedroom apartments as well as two floors of car parking at ground and first floor levels to the rear of the existing building which would be accessed via the existing service tunnel. CK noted that the car park element of the scheme would provide 18 car parking spaces with 16 x car parking spaces allocated for the two bedroom apartments and the remaining two car parking space providing a car club for the studios with Electric Vehicle Charging Points (EVCPs). CK confirmed that the applicant has not proposed any bicycle parking spaces or motorcycle parking spaces or any EVCPs for the remaining spaces. CK explained that a communal landscaped area would be provided on the second floor level providing an inward looking green space and that amenity facilities including a gym and swimming pool would be provided at roof terrace level.

CK confirmed that the applicant had submitted a Design Statement and explained the design concept for the building, which was to provide a building that would add variety and interest to the area, taking inspiration from some of the art deco features on some of the nearby old industrial buildings and had re-imagined them in a modern form, and in a semi-retro style with vertical lines and circular shapes and an iconic panoramic lift, with extensive greenery throughout the building, and also set out the indicative sustainability features to be provided in the development.

CK said that in that in terms of the consultee's comments, the DOE had confirmed that the site may not be suitable for bird and bat nesting sites and that the applicant would need to find an alternative site to provide these and that this would need to be agreed with them. The DOE also confirmed that they would require a Predictive EPC and a Sustainability and Renewables Assessment demonstrating how the building will meet zero energy building standards to be submitted in support of the full application and the applicant to demonstrate that 5% of the land area will be green area and provide EVCP in accordance with the Regulations

The DCA has confirmed that an aeronautical assessment will need to be submitted in support of the full application and this would need to include a wind study and a bird hazard management plan.

MfH confirmed they have no objections to the proposed development, however, they would require an Archaeological Watching Brief (AWB) to be undertaken during groundworks.

The GibMuseumWHO also requested an AWB to be undertaken during groundworks due to the proximity of the site to Forbes Quarry.

The MOE have confirmed they have no comments at this stage, as this is only an outline application, whilst the TSD have confirmed that they have no in-principle objections to the residential building, however they initially required further clarification on the architectural concept of the proposed development despite this being set out in the Design Statement.

The MoT confirmed the proposed parking does not meet the regulations, that the scheme needs to provide active and passive electric vehicle charging points in accordance with the Regulations and that the applicant would be required to submit a detailed swept path analysis for the access and egress into the site and show how this can be achieved without removing any public parking spaces around the site.

Additionally, the Traffic Commission has confirmed that it has no in-principle objections to the development although it has raised concerns regarding the impact of non-compliance of regulations on public on street parking in the Devil's Towers Road area.

The GHT and LPS were consulted but had not provided any comments.

CK confirmed that the application had been subject to public participation and that no representations had been received

CK said that in terms of the planning assessment, the Town Planning Department (TPD) had no objections to the refurbishment of the existing residential building on the front portion of the site or to the small extension on the fourth floor level which would round the building off and provide an additional studio. CK also set out that the TPD had no objections to the demolition of the existing warehouse at the rear of the site and no objections to the design, height or massing of the proposed development before going on to state that the TPD considers this to be an interesting design concept with unique features, including the lift tower and the use of vertical and curved elements which provide some diversity to the other proposed schemes on Devils Tower Road.

CK went on to confirm that whilst the proposed parking for the development is in line with other developments approved in this area and that the applicant is proposing a car-sharing scheme for those people who obtain studios within the development which is welcomed, it is stressed that the applicant is not providing any motorcycle, bicycle parking or EVCPs for the designated parking, and whilst there are no in-principle objections to the shortfall of parking in

the proposed development, the Commission would need to waive the car parking regulations. The TPD consider at the very least the applicant should be providing motorcycle parking bicycle parking and EVCPs in accordance with the regulations.

CK said that in the absence of any planning policy framework for the area, the Commission will need to take a view on this scheme as to whether they are amenable to allowing it. However, from a planning perspective the Commission's recent decision in respect of 17-19 Devil's Tower Road and 5 Forbes Road at the last DPC meeting and in order to provide consistent decision making, the TPD would recommend that the Commission grant outline planning permission subject to the conditions circulated in the DPC paper which respond to the consultee comments and the points that have been raised in this assessment.

The Chairman summarised CK planning assessment and invited comments from the members of the Commission.

GM required clarification on the plot ratio as in the DPC Paper it was set out that 'No building will cover more than 80% of the plot and yet this proposed development is going up to 92%.

CK confirmed that presently 100% of the site has been built on and that there would be an overall reduction of development on the site, and this would be similar to what the Commission allowed on the Forbes 1847 development.

CAM said she had the same question as in the previous meeting on 17-19 Devil's Tower Road and 5 Forbes Road site in respect of the number of studios being proposed by developers, as that even though that scheme was approved by the Commission, the GHT was not in agreement with the outline proposals. She questioned the composition of the building and whether there was a need for more studio apartments

Paul Passano (PP), for the applicant, said he was not aware of what was happening with the rental market but said he felt there would be a demand for the large studios which are almost like a one-bedroom type apartment.

CAM said she was concerned and asked what market this proposed development was aimed at and feels this would be more of a profit-making scheme for investors than actual demand for people living in Gibraltar.

PP said they were targeting young professionals and felt there was a demand for this.

CAM said that her comments were not specifically aimed at this development but the area as a whole.

JH said the two points she was going to raise had already been raised by CAM and GM.

MHEYS said his view is that the development was too high, too little on the Environmental Issues had been provided, and he agreed with planning that active EVCPs for cars up to, if not more than 80% should be provided and said he was concerned with these points and he would expect a higher standard on environmental issues.

PP said they would endeavor to achieve and go beyond the environmental standards that are required

MHEYS asked if the targeted market will be Airbnb.

PP said the studios are a bit bigger than usual to make these more realistic in respect of living space to meet market demand.

Esteban Bravo, for the applicant, said that the front part of the road-facing building would remain intact to improve conditions for those tenants in the block, and that they were trying to improve the area and increase the housing stock.

JH said she agreed with MESCE on his comments on height and that the precedent that has been set on Devils Tower Road is leading to what is happening as there is no holistic plan. She thought the applicant had touched on all the green measures and the DOE have instigated many points included in this development and they should come back with a robust plan. It is in a very tight space and traffic regulations should be strictly adhered to.

CV said all the comments made by members were of consistency on projects along Devil's Tower Road and on the basis of precedent he didn't see how this proposal could be rejected.

The Chairman said Devils Tower Road is an area undergoing development and that bearing in mind the context of the site there are no concerns on the height of the building whilst on the environmental issues the developer will be required to meet the relevant requirements. It is an outline application and provision of 40% EVCP will be required. The Chairman reconfirmed that the TPDs recommendation is to approve the application with conditions and asked the Members if they want to take a vote or whether Members agreed to approve the application unanimously subject to the conditions in the DPC Paper.

JH said she had to be consistent and asked for a vote.

In favour - 8

Against - 2

The application was approved as per the TPD recommendations by majority vote.

#### **422/22 – Ref. 1380-29 – Sea Breeze, Small Boats Marina – Proposed five-star hotel on a specifically designed vessel to be moored on the north of the Small Boats Marina.**

##### *Consideration of Town Planner's Draft Screening Opinion*

CK presented the Town Planners Draft Screening Opinion CK confirmed that the site comprises the outside of the northern wall of the small boats marina, which is accessed by Coaling Island Road and set out a summary of the proposed development which comprises:

- mooring a 5\* Hotel on a specifically designed vessel on the outer side of the northern wall of the Small Boats Marina;
- hotel will have 112 rooms/suites, restaurant, bar, and function suite.
- non-permanent development;
- vessel 76m long x 15m wide x 25.5m high with a 2m draft;
- hydraulic rams to dampen movement of vessel against the existing marina wall;
- two x supporting legs on the outside of the vessel to stabilise and allow it to move up and down with the tide;
- servicing details to be finalised but will take place from the shore and all waste transferred and transported in the same way as the Sunborn Hotel.

CK provided a summary of the consultee comments and findings of the TPD of each of the topics screened:

##### **Archaeology and Cultural Heritage**

- Any potential effects mitigated through visual survey of the sea bed which will be undertaken prior to any application being submitted in order to identify and record any heritage assets that might be present in the area.
- If heritage assets are identified, then the placement of the support structures will be designed to mitigate damage and this will be reported in detail in the planning application.
- GHT, MFH and WHO agree with the proposed mitigation.
- WHO require clarification on whether piling into the seabed for legs to support vessel required (or just resting on the surface) may require additional mitigation.

### **Climate Change**

- DOE, EA, ESH and GEA raised concerns regarding infrastructure, sustainability and energy requirement, drainage, waste and adaptation planning.
- Concerns can be addressed by applicant submitting standard documents in support of application including detailed energy and sustainability strategy, an outline Construction Environmental Management Plan, a Waste Management Plan, a Drainage Strategy as well as details of how the applicant is proposing to connect to existing GEA infrastructure and details of any proposed back-up generators.

### **Community, Recreation and Tourism**

- Hotel offering a restaurant likely to have a positive impact on tourism and locals.
- ESG stresses that Small Boats Marina is a public amenity which should be safeguarded and ensure a decent quality environment and that they would like to see the research that has been conducted by the applicant to establish the need for the hotel rooms and whether there would be demand for the vessel to remain moored to the Small Boats Marina during the winter month.
- Addressed through the applicant submitting a report in support of application which justifies the market demand on this hotel.

### **Ecology**

- Proposed consideration to be given to ensure no impact on any protected species.
- Applicant committed to undertaking a marine survey of the seabed and the outer northern wall of the Small Boats Marina to identify any protected species or habitat and will consult directly with the DOE to plan any mitigation steps necessary,
- Detailed Marine Survey to be submitted in support of application.

### **Landscape and Visual Impact Assessment.**

- ESG raised concerns regarding visual impact of the proposed development in relation to the users of the Small Boats Marina the Med and Calpe Rowing Clubs and the Royal Gibraltar Yacht Club as well as the residential and commercial uses which overlook this area.

- Applicant committed to undertaking a Landscape and Visual Impact Appraisal (LVIA) in support of application.
- LVIA to be undertaken in accordance with industry standards and scope, methodology and viewpoints to be agreed.

**Other Matters:**

- Defence Estates has confirmed that the site is within Vulnerable Building Distance in respect of the Blast Zone and has provided detailed guidance to the applicant regarding information that will need to be submitted to support a planning application.
- DOE has confirmed that the applicant will be required to provide information on how the proposed development will impact current flows in the Small Boats Marina.
- GPA confirmed that they will require a report which confirms that the proposed dampener system would be able to hold this vessel rocking in its position as well as a detailed berthing plan including the relationship between the vessel and the revetment area.
- MOT and TSD require a Transport Assessment to be submitted in support of any application, the scope and methodology of the assessment will need to be agreed and that it should focus on increased traffic in the Small Boats Marina, the impact of the development on parking in the area and provide details of any dedicated use of the northernmost section of the Small Boats Marina that may require for arrivals, deliveries etc, associated with the hotel.

CK confirmed that the conclusion of the Town Planner's Draft Screening Opinion is that the proposed development is not considered to be an EIA Development requiring EIA, however, the following reports and assessments are to be submitted in support of any subsequent full planning application:

- Landscape and Visual Impact Assessment
- Subtidal Surveys prior to application to identify heritage or archaeological assets, protected marine species, a draft of 2m and seabed conditions.
- Traffic Statement
- Construction Environmental Management Plan including a Dust Control Plan and a Waste Management Plan.
- Energy and Sustainability Strategy.
- Waste Management Plan for the occupation phase of the development.
- Drainage strategy.
- Marketing Demand Report
- Heritage Survey Report if heritage assets found during Subtidal Survey.
- Details of how the vessel will impact on current flows in the Small Boats Marina.
- Report confirming that the dampener system can hold vessel.
- Details to satisfy Defence Estates given the site is within the Vulnerable Building Distance in respect of the Blast Zone

The Chairman mentioned that Kim Clarence (KC) was available to answer any question on behalf of the applicant. The Chairman confirmed that this is a Screening Opinion and it is only to determine whether the proposal is subject to EIA and that the conclusion is that it does not. The Chairman went on to confirm that the next step in the process will be for the Town Planner's Screening Opinion to be forwarded to the Minister responsible for Town Planning who makes the final decision and issues a Screening Direction.

JH stated that she thought it was a very thorough summary which included the concerns of the ESG and said what provoked a lot of the question and feedback is the scale of the proposal and asked KC whether he feels confident the assessments can be produced and if a smaller scale project would be viable.

KC confirmed that there was a market for all those rooms to be used as there is a demand for hotel rooms with the loss of the Caleta Palace, and they would be able to provide the assessments that have been requested.

JH asked KC with the loss of the Caleta Place is this proposal temporary and would it no longer be needed once the new hotel is built.

KC said the intention of the developer is to stay in Gibraltar and it is not a temporary installation.

GM asked KC if he could confirm what type of application would be submitted following the issue of the final Screening Opinion and KC confirmed that the applicant would be submitting a full application

The Chairman thanked the members for their comments and confirmed that the Town Planner's Screening Opinion would be passed to the Minister for a final screening direction.

## Other Developments

### **423/22 – O/18184/22 – 21 Moorland Mews, Ordnance Wharf, Queensway -- Proposed vertical extension and roof access creating an additional floor in between two party walls.**

CK confirmed that this application relates to an existing two storey residential dwelling, part of Ordnance Wharf Estate located between Grafton House (four storeys to the East) and Moorland House (five storeys to the W) and confirmed that the wider Ordnance Wharf Estate steps up in height from E to W from 3 storeys to 6 storeys

CK set out that the applicant is seeking planning permission to construct a single storey extension between two blank party walls at third floor level to provide an additional 3 bedrooms and create a total of 6 bedrooms in the dwelling. Above the extension, the applicant is proposing a usable roof terrace with staircore access on the west side of the roof, set back from north and south facades of the building and that the height of the proposed terrace was intended to be in line with terrace to 10 Grafton House and incorporate the same railings as the rest of Ordnance Wharf estate

CK confirmed that in respect of relevant planning history, applications for a single storey extensions at 9 Moorland House and an infill extension at 11 The Sails had previously been refused by the Commission on the basis that these developments would erode the gaps and building lines between the towers which would result in a negative visual impact on the existing architectural setting and result in an increased massing

CK said that in that in terms of the consultee's comments, the DOE had requested a predictive EPC prior to works commencing and LPS and TSD had no objections in respect of the proposed development.

CK confirmed that the application has been subject to public participation and that notice was served to the Management Company and the neighboring properties. CK confirmed that

whilst no representations had been received from the Management Company representations had been received from two residents within the block.

Mr James Alcantara (JA) one of the objectors addressed the Commission:

JA confirmed that he resides at the penthouse at Grafton House and he referred to privacy and security. He said the drawings submitted were incorrect in showing Grafton House and Moorland House as level as this was not the case since Moorland House is actually 80cm higher. He referred to the building regulations and said the minimum height of the extension is 2.3m not 1.8m. With this extension the applicant would be able to gain access into his property and therefore windows would have to be closed at all times. He said this application should not be considered. He considered that the extension would erode the gap between the towers which would create a visual mass. He said this was contrary to the 2009 Development Plan policy which states massing and height must be appropriate to the context of the adjacent buildings. 3 similar applications have been submitted and all refused. He said he had invited the Committee to view how this would impact his property and his family.

The Commission had no questions for JA.

CK said there was another objection from a resident from Moorland House who had raised that the approval of the proposed development could set a precedent, and that they had also questioned the accuracy of the drawings and most of the same aspects of those raised by Mr Alcantara.

Michael Mackillop Smith (MMS) on behalf of the applicant addressed the Commission

MMS said that the proposals had been designed to be sympathetic to the existing architectural facades, and there is a large gap between Grafton House and Moorland House. He confirmed that there had been no intention of over sailing as Mr Alcantara feared and understands his concerns on security, confirming that the roof terraces would be separated. MMS said he believed the massing and the height is appropriate to the building, being a small-scale extension with setbacks from building lines.

CK presented the Town Planning report, he explained that there had been previous applications that had been refused but this was a more appropriate design as there is a two storey gap as opposed to a one storey gap. CK confirmed that regarding the loss of privacy with the roof element is considered to be a valid concern which would result in overlooking from a design perspective and confirmed that the TPD consider that the stair core above the proposed extension is considered to visually impact the building line and that both of these issues could be resolved if the roof terrace is omitted from the proposed development and used for maintenance purposes only.

CK confirmed that overall the TPD recommends that outline planning permission is granted subject to the condition of the removal of the proposed stair core access and roof terrace

The Chairman said the recommendation was to approve the application with those conditions and asked the members if they needed to take a vote on the application or whether the application could be approved unanimously

HM said they keep seeing these alterations to buildings and that he is not particularly keen on seeing these changes to buildings and said he would rather vote on the application.

In favour- 7

Against – 2

Abstentions – 1

The application was approved as per the TPD recommendations by majority vote.

**424/22 – F/18225/22 – 4 Demaya's Ramp -- Proposed extension, conversion and refurbishment of building.**

CK stated that this is a full application at 4 Demaya's Ramp, a two storey building located in the Old Town comprising two x 1 bedroom flats with a roof terrace with access through a central staircase.

CK explained that the proposals included the refurbishment of the existing building and the construction of a two storey extension to provide five residential units with a flat roof terrace accessed by an access hatch with glazed balustrading around the terrace. CK confirmed that no parking was being proposed and confirmed there was no planning history relating to the site.

CK confirmed that the application had been subject to public participation and had served notice of application on the owners/occupiers of the adjoining properties and confirmed that that two set of representations had been received including a petition signed by 16 local residents.

The Chairman invited Mr Gerald Victor (GV) to address the Commission

GV confirmed that he is the owner of the property of 10/2 Road to the Lines. His property looks onto the site and the southwesterly view is the only open area they have. He confirmed that this development will encroach and have a detrimental impact on the only views and light his property has left. He confirmed that his objection was purely on the height of the extension and that the building will destroy the harmony of the gradient level in this part of the Old Town. He said he was not against the properties in the area being developed but not a vertical extension, as this will not beautify the area.

The Commission had no questions for GV.

The Chairman invited Laura Gorny (LG) to address the Commission.

LG said she strongly opposed the development at Demaya's Ramp. She confirmed that she was speaking on behalf of 20 residents and said this area will be destroyed by the proposals. She considers that the extension would abolish the step effect of the old buildings and would wipe out the view of the old town. She considers that the extension would not make the area more attractive nor the views improved. She said the property at 7 Demaya's Ramp has the right to light and that if this extension goes ahead they would be facing legal action. She set out that Demaya's Ramp is the entrance to the Northern Defenses and tourist want to see the old town and this would not be the place to extend. She said the Old Town has charm and this needs to be protected not destroyed and she hoped the DPC would vote in the interest of Gibraltar and its community.

The Commission had no questions for LG.

The Chairman invited Stephen Martinez (SM) who was representing the applicant to address the Commission.

SM said he had a lot of experience working in the upper town area and said they are sensitive to its development. SM said this is not presented as a tower but the height of the building is the same as surrounding ones. SM said the physical height is only one floor and to minimise visual impact they have introduced a sky light access to the roof which will still be usable. He said that he considers that the proposal is in keeping with the area.

JH said the objectors were referring to light as well as the views which would be affected.

SM said the proposals comply with the Part K of the Building Regulations.

CK said that in that in terms of the consultee's comments, the DOE had requested that a predictive EPC and sustainable and renewable statements including an assessment of the proposed PV panels is to be submitted prior to the commencement of the development, and that they would require bat and bird nesting sites to be provided

LPS had confirmed it is a freehold property and have no comments.

GHT noted the revisions to the window openings and considers that the extension would benefit from a setback or redesign that gives articulation to the western façade or a broken up organic appearance. They also considered the flat roof and the glass balustrades detract from the Old Town and that the application should include a pitched roof or partial pitched roof in the style of traditional buildings.

The MfH welcomed the revised design of the western façade and consider this makes it a more attractive proposal, however, they maintained their original concerns regarding the introduction of glass balustrades at the roof terrace level.

TSD had confirmed they have no objections to the proposal and the GibMuseumWHO had been consulted but no comments had been received.

CK said that in terms of the planning assessment, the site is located at a prominent vista of the Old Town and that the two-storey extension is similar to others that have been allowed by the Commission. CK went on to state that the revised scheme avoids encroachment issues and had assimilated the building more into its surroundings, that the proposal for a flat roof is acceptable, noted that the loss of light is not an issue for the Commission to get involved with and the proposed development could be improved with omitting the glass balustrading to include railings. CK set out the TPD recommends that overall, the application should be granted planning permission with conditions.

The Chairman said the recommendation is to approve the application with conditions.

CAM thanked the objectors for their clear and articulated submissions, and confirmed that many of the comments raised resonated with what the Trust lobbies for in the old town. CAM said they encourage redevelopments in the Old Town but raised concerns on the location of the building and that the proposed extension is very blocky and will make an impact on the set back, organic view, of the Old Town particularly from the Casemates area, towards the Northern Defenses and the Moorish Castle. CAM said even though there were redevelopments in the area allowed back in the day, she thinks this can have an effect on the set back on this part of the town. CAM encouraged the rest of the members to take views on

this and asked the applicant to redesign the development so that the extension is setback and introduces more features on the façade.

CV said he did not agree with the recommendations of the TPD and thinks the objectors are correct on the points they make, and if it were down to a vote, he would vote against.

The Chairman said making decisions on allowing developments in the Old Town without destroying its character are very difficult. He referred to the comments made by CAM on the setbacks on the western elevations and asked the Commission if they were in agreement and whether this would help mitigate the massing and visual impact on this area.

CAM said this was not just on the front, she said the building could be pulled in from certain sides to play with having setbacks like having a pitched roof, having different levels to make the town scape look more organic, and that the proposals needs substantial revision.

The Chairman asked CAM whether she was seeking a deferral of the application to allow the architects to reconsider the proposals with the comments and conditions made. CAM agreed.

CV asked for the depth of the building to be shown and was not sure how a setback would work, and referred to the Government owned building to the west and that by allowing this proposal it would restrict any further development, and that even with the setbacks he would not approve the scheme.

The Chairman said setting back would not avoid any development next to it and they have included false windows to break up massing.

Hector Montado said his main concern was the visual impact, which will make the area lose its character. He said he also objected and would vote against this application.

The Chairman asked SM if he wanted to take into consideration all the comments made by members and come back with other design options. He asked SM if he preferred the application to be deferred.

SM consulted with the applicant and they confirmed they were in agreement with the application being deferred and could take all points into consideration except for the setbacks, as this is a 3.5-meter wide building.

The Chairman said a decision on the application would be deferred, to allow time for the applicant to submit a revised scheme and that upon submission the objectors would need to be consulted again.

The application was deferred.

**425/22 – F/18239/22 – St Andrew's Manse, 29 Scud Hill -- Proposed two storey top floor extension, replace existing two storey extension at the rear with new enlarged extension, associated internal alterations as well as external swimming pool with associated ancillary works.**

CK stated that this is a full application relating to a two storey residential building with a pitched roof and that the property has an external ground floor courtyard with stairs leading onto a terraced garden at different levels. CK confirmed that the property is surrounded by residential buildings with a two storey building to its South, five storey government rental building to its North, the top terraced garden abuts St Joseph's Church Garden above, and

Lord Napier Mews to North East at a higher level. CK also confirmed that there is approximately a 10m gap between the roof of the dwelling and south west corner of terrace of 1 Lord Napier Mews

The proposed development includes the extensive refurbishment of the building, a proposed two storey extension, with two additional bedrooms and a music and art room provided at second floor level, and the third floor above incorporating set back, and including a kitchenette and a meditation room and a large roof terrace, with a pitched roof and planters. CK also confirmed that the rear facade would include a lift providing access to all floors whilst the roof element would include Velux windows and solar panels. The applicant was proposing the enclosure of existing roof terrace as well as the construction of a bridge link to the terraced gardens and the construction of a swimming pool at first garden level

CK confirmed that the application had been subject to public participation. A number of representations were received and that objectors have requested to address the commission.

The Chairman invited Kenneth Navas (KN) who was representing Mr and Mrs Redmond to address the Commission and reminded Mr Navas that all representations had been circulated to the Commission in advance of the meeting.

KN said his client's objections were focused on the privacy and enjoyment of their terrace and their principal concern is with the rear façade. He said it is difficult to appreciate the impact this will have on their property based only on paper, and unless the Commission is minded to refuse the application, they invited the Commission to defer the application and visit the site. He said his clients were not against development but they were against insensitive development. He said the third floor extension to cater for the leisure areas could be reduced, that the windows to be introduced will be overlooking their property and the 10m wall to be erected will result in loss of light and direct sunlight. This will impact his client's property and they would like this to be mitigated in relation to their site.

Mrs Redmond said a big wall will be placed right in front of them with windows angled right at them, and said it was very upsetting and hoped the applicants could consider meeting in the middle so both of them could enjoy their properties.

The Commission had no questions for KN.

The Chairman invited Grace Down (GD) to address the Commission.

GD said she lives in Lord Napier Mews and if this development goes ahead, her family's quality of life would be highly impacted. She said that by increasing the height of the existing house the garden area would be plunged into darkness and her plants would most likely die. She also said that the loss of natural light would also affect her living room and her daughter's bedroom which will result in an increase in energy costs and fears this would have an impact on their mental health. She said that the proposed height also encroaches on privacy and the building is only 5m away from her boundary with lots of windows, which will affect the way they live their lives. She feels there is enough space within the applicant's site and instead of building up this could be spread out over the existing land.

JH said she was interested to learn about this area and that giving options was very important. She said building into this garden or shrub area they would need to identify what is growing there, and asked if there was loss of trees etc.

GD said this is only visible from her window and at the back it seems to be scrublands and doesn't think there would be a loss of trees.

The Chairman invited John O'Reilly (JOR) who was representing the applicant to address the Commission.

JOR said a formal response was submitted back in July to the objectors and said they were not intending to cast people's properties into extreme darkness. He said the property itself is not directly overlooking Lord Napier Mews and whilst he appreciates KN's comments regarding the decking and the side windows, these existed when his client bought the property, however, the applicant is proposing a bridge link from the first floor verandah to the pool and providing a roof over so that privacy would be provided. JOR said that the proposed windows don't look onto Lord Napier Mews and confirmed that an exercise had been undertaken to show the proposed development would not affect the neighboring properties. He commented on the windows on the east facing facade and confirmed these could be installed with tinted glass or privacy glass.

The Chairman referred to the comment for the potential to extend towards the rear of the site rather than up, and enquired whether this option had been explored.

JOR said this had not been explored and said that the third floor terrace faces west and this has a lovely view, the intention was to have a westerly facing terrace to minimise the impact on Scud Hill. He said the rear property is quite bland and adding new windows and traditional balustrades will be in keeping with the area.

CK said that in that in terms of the consultee's comments, the DOE require a predictive EPC to be submitted and bird and bat surveys prior to the development commencing and bird and bat nesting sites to be agreed.

LPS have confirmed it is a freehold property and have no comments.

The GHT has no in principle objections to the extension and the enlargement of this historical building and consider the design is sensitive to the streetscape and the character of the area, but would like to see an attempt made to keep pitched elements on one of the facades fronting Scud Hill and the MfH has confirmed they have no significant concerns with the development and are satisfied to see the development does not affect the streetscape and the building's vernacular architecture is kept intact, however, they would require an Archeological Watching Brief to be undertaken during ground works

The MoT and the TSD have confirmed that they have no objections.

CK said that in terms of the planning assessment, there were no objections to the works on the rear or the proposed construction of a pool. CK went on to state that the TPD has no in-principle objections to the two storey extension with a front elevation of traditional design. CK said the whilst the objectors' concerns were acknowledged the TPD do not consider the development will result in a loss of privacy or overlooking. CK stated that notwithstanding this, the TPD considers there would be a loss of residential amenity in respect of the northeast part of the third floor extension and this would be overbearing and would effectively enclose the adjoining properties to the rear with a 10m high mass. CK said this issue could be resolved by amending the extent of the third floor extension to omit half of the meditation room and this would allow breathing space. CK stated that overall the TPD recommend the approval of the application subject to revised plans being submitted which omits the part of the third floor extension which could be approved at Subcommittee level.

JH asked, in terms of procedure, if this can go forward and then to Subcommittee, would this mean that there would be no further objections to any changes of plans that come forward to DPC?

The Chairman responded that if the Commission agrees the suggestion is that, rather than bring it back to DPC, the revised plans could be considered at Subcommittee level.

JH asked the Chairman if the objectors could have any further opportunity to respond and the Chairman said not in that situation.

MHEYS referred to JH's question on revised submissions and felt that objectors should have a say on the revised plans.

The Chairman said it was up to the Commission how it wanted to proceed.

MHEYS said this should be brought back to the Commission for a decision to be taken.

CAM referred to the same questions made by JH and MHEYS and is in agreement that the objectors should have a chance to see the revisions. She was reassured there was a pitch roof on the western façade.

The Chairman asked the Commission to make a direction to the applicant that the applicant has to submit revised plans in accordance with the Town Planning recommendations. The objectors would be consulted and the application would be brought back to the Commission for a final decision.

The Commission agreed and the application as deferred.

#### **Minor and Other Works- not within scope of delegated powers**

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

**426/22 - F/18390/22 - 2A King's Yard Lane -- Proposed construction of an additional storey, roof terrace with pergola and metal railings, alteration to façade and fenestration, extension to the front and associated internal alterations**

The application was approved.

**427/22 - O/18403/22 - Villa 1, 14 Gardiner's Road - Proposed refurbishment and side extension to dwelling.**

JH re asked to take a look at the application which was recommended for approval as she had been told that this was a very sizeable extension and had concerns as to whether any vegetation would be lost.

CK showed the drawings and visuals that had been submitted and reassured her there was no loss of vegetation as a result of the proposed extension.

The application was approved.

**428/22 - D/18471/22G - Ex-Waterport Power Station, North Mole Road -- Proposed demolition and ground remediation of the Ex-Waterport Power Station and demolition of other buildings on the site.**

**GoG Project**

JH asked whether a paper on the procedure of the demolition and decommissioning of the Waterport Power Station had been submitted in support of the application.

The Chairman confirmed that a Demolition Method Statement including a remediation strategy for the decommissioning of the Power Station had been submitted and is available to view

The application was approved.

---

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

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

**429/22 - F/15949/18G - Hassan Centenary Terraces, Ex-Eastern Beach Public Car Park -- Proposed construction of six apartment blocks of varying height, providing 665 affordable residential units, with two levels of covered car parking providing approximately 700 car parking spaces and 250 motorcycle parking spaces, including a seaside promenade, cycle lanes and road.**

**GoG Project**

***Consideration of relaxation of Building Control regulations for the increase of the threshold for doors leading to balconies from 75mm to 85mm***

**430/22 - F/17194/20 - 1 Engineer Lane -- Proposed refurbishment, formation of roof terrace and conservatory; alterations to ground floor facade.**

***Consideration of sample of proposed stone door/window surrounds to discharge Condition 4 of Planning Permission No. 7926.***

**431/22 - F/18104/22 - Unit A, 27A Europa Flats, St Christopher's Alley -- Proposed new entrance to Deselec office and stores premises from St Christopher's alley to Tangier View Lane.**

**432/22 - F/18162/22 - 25 Turnbull's Lane -- Proposed conversion of store into apartment premises and refurbishment.**

**433/22 - F/18209/22 - 210 Rosia Plaza, Block 2, Rosia Road -- Proposed installation of glass curtains behind the existing glass and handrails to maintain the consistency of the building elevation.**

**434/22 - F/18281/22 - 17 / 9 Castle Street -- Proposed extension to terrace area and ancillary works.**

**435/22 - F/18314/22 - 2/2 Serfaty's Passage -- Proposed conversion of maisonette premises into three x residential units including extension.**

436/22 – F/18348/22 – 407 Neptune House, Marina Bay -- Proposed internal refurbishment and replacement of windows.

437/22 – F/18367/22 – 73-75 Main Street -- Proposed internal refurbishment of commercial unit, including painting of front elevation and installation of signage.

438/22 – F/18381/22 – 1 Cormorant Wharf, Queensway -- Retrospective application for the installation of glass curtains.

439/22 – F/18383/22 – No.16 The Island, Queensway Quay -- Proposed refurbishment and construction of new external staircase from basement to rear garden.

440/22 – F/18399/22 – 14 Shorthorn Farm, Europa Road -- Proposed reinforcement works within rear private garden to support the retaining wall at St. Bernard's Road.

441/22 – F/18423/22 – 401 Express Lodge, Mon Calpe Mews -- Proposed internal alterations and installation of glass curtains.

442/22 – F/18431/22 – 11-1 Tuckey's Lane -- Retrospective application for the amalgamation of two x residential units into one.

443/22 – F/18434/22 – 22 Pine Tree Lodge, Montagu Gardens -- Retrospective application for change of windows and installation of air conditioning units.

444/22 – F/18436/22 – 1006 Seashell House, Beach View Terraces -- Proposed installation of glass curtains.

445/22 – F/18437/22 – 812 Sand Dune House, Beach View Terrace -- Proposed installation of glass curtains.

446/22 – A/18433/22 – Opposite Holy Trinity, The Corner Of The Park, By The Fencing -- Proposed installation of eco festival banner advertisement advertising sustainable eco-friendly event at Europa Pool.

447/22 – A/18455/22 – Unit 101, Harbors Walk, New Harbors Rosia Road -- Proposed installation of business sign outside premises.

448/22 – A/18468/22 – Cooperage Lane -- Proposed installation of banner advertising pancreatic cancer awareness.

449/22 – MA/18410/22 – House 9, The Island, Queensway -- Proposed minor internal alterations, replacement of rear curtain wall glazing and creation of new covered porch at second level with new glazing.

- *Consideration of proposed Minor Amendments including:*
- *Internal alterations at second floor level;*
- *Conversion of family bathroom to en-suite for bedroom 2; and*
- *Reconfiguration of store and walk-in-wardrobe to bedroom 3 into en-suite.*

450/22 – Any Other Business

The Chairman thanked the Members and noted that the next meeting would be held on 15<sup>th</sup> December 2022.

**Chris Key**  
**Secretary to the**  
**Development and Planning Commission**