

THE DEVELOPMENT AND PLANNING COMMISSION

Agenda for the 1st meeting of 2023 held remotely via video conferencing on 19th January 2023 at 9.30am

Present:

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

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

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

1/23 – Approval of Minutes of the 11th meeting of 2022 held on 17th November 2022 and the Minutes of the 12th meeting of 2022 held on 15th December 2022.

The minutes of the 12th meeting of 2022 held on 15th December 2022 were approved. The minutes of the 11th meeting of 2022 held on 17th November 2022 were not ready so this item was deferred.

Matters Arising

- None

Major Developments

- None

Other Developments

2/23 – O/18282/22 - Rock Gardens -- Proposed extension to building to provide two x additional residential units, including installation of a lift, gym and ancillary works.

CK explained that this outline application related to Rock Gardens, a nine storey residential building located on Europa Road, which comprises 19 car parking spaces at ground floor level with 20 apartments on the upper floors, pool and garden at the rear of the property, and confirmed that planning permission for the building was originally granted by the Commission in July 2004.

CK said that the proposed development is for a full, single storey extension, and a part floor extension above that to be supported on the existing structure with the proposed tenth floor providing two x 3-bedroom flats set back from the main building and with a brise soleil feature above. The part single storey extension on the eleventh floor is to provide for a gym and an extended lift stair core with a green wall and green roof with PV panels. CK also confirmed that a new structure with green roof would be provided to the rear of the ground floor parking level to provide two additional car parking spaces as well as two x motorcycle spaces and four x bicycle racks. CK showed elevations, photos and views from a distance on how the development would look and fit into the surroundings and confirmed that the proposed materials would match the aesthetics of the existing building and the height of the proposed building will be 28.6 meters.

CK confirmed that the proposed sustainability features for the scheme will include green roofs, PV panels, a green wall on the stair core at roof level, sun shading elements, the installation of a new energy saving lift and an upgraded replacement roof with insulation.

CK said that in that in terms of the consultee's comments,

The DOE has requested that a Predictive EPC and a bird and bat survey are undertaken prior to the commencement of works, and consider that the new roof should integrate bat and swift nest boxes.

The GHT consider that whilst the proposed extension does not have a significant impact on the surrounding buildings, they consider that the design should blend into the natural cliffs behind it, and notwithstanding this point they do not have any heritage objections to the proposed scheme.

The MfH has confirmed it has no objections to the proposed development although it would require an Archeological Watching Brief to be undertaken during any ground works.

MOT and TSD have no objections to the proposed development and that LPS and the GibMuseumWHO were consulted but had not provided any comments.

CK confirmed that the application had been subject to public participation and that notice was also served on the Management Company and that no representations had been received.

CK said that in terms of the planning assessment, the Town Planning Department (TPD) has no objections to the proposed extension of the building, and consider that the extension had been sympathetically designed with appropriate setbacks and blends in with the surrounding streetscape which had evolved since the planning permission for the original building was approved by the Commission. CK also confirmed that the TPD had no objections to the materiality or the continuation of the design principles, that the brise soleil is an interesting feature at roof level and that there are no objections to the ground floor structure with the green roof to enable car parking requirements to be met. CK confirmed that the TPD do require the proposed car parking spaces to have Electric Vehicle Charging Points (EVCPs) and welcome the sustainability measures that the applicant is proposing to implement within the scheme.

CK confirmed that overall the TPD is recommending approval of the outline application subject to conditions requiring the submission of a sustainability statement, predictive EPC and details of proposed bird and bat nesting sites in support of the full application, as well as the requirement for the proposed car parking spaces to have EVCPs and bat and bird surveys to be undertaken prior to the commencement of the development.

The Chairman invited comments from the members of the Commission.

MESCCE said that whilst he welcomed the sustainably proposals, back in 2004 he fought really hard to stop this development as he felt it had a negative impact on the back drop of the Alameda Gardens, and it interfered with the natural view of the rock from the gardens and, was, therefore, disappointed when this development went ahead. He stated that by raising the height of the building by another floor it would increase the visual impact on the area and on this occasion, he does not support this application and would be objecting to it.

JH said she agreed with MESCCE and as a group, the ESG had tried to fight the excavation works and the impact this would have on the habitat in the area, and that she would also be objecting to the development.

Stephen Martinez (SM), on behalf of the applicant, stated that on page 29 of the Planning Statement photomontages had been carried out from the Alameda Gardens, to show that the proposed development would not result in any additional visual impact in terms of the building's surroundings and the Alameda Gardens.

MESCCE said that he considers that there is an impact from the Grand Parade and the principle of the building there and considers that any increase on the massing overall is breaking the green band that existed along the base of the cliff and, therefore, does not support the outline application.

The Chairman moved to take a vote on the application.

In Favour - 7

Against - 4

The application was approved by majority vote.

3/23 – F/18427/22 – 51B Europa Road -- Proposed loft conversion, extension and other works to residence.

CK explained that the site comprises an existing two storey detached 6-bedroom residential building, of which the first floor comprises a converted roof with dormer windows. CK stated that the property is set back from Europa Road and surrounded by a large garden and patio terrace area, with a lockup garage located to the south of the site.

CK said that this was a full application which comprised the demolition of the existing first floor/roof and the construction of a full height single storey extension with a pitched roof to match existing; the installation of a skylight feature above the existing ground floor dining room and small extension into the courtyard area at this level; the demolition of an existing garden hut to provide a double garage with an art studio above with a single pitched roof with clay tiles to match the existing roof; replacement of all existing windows and shutters on a like for like basis and new windows and shutters to match existing; and retain traditional features. The applicant had confirmed that sustainability features within the proposed development would include the installation of new insulated roof, double glazed windows, the installation of solar panels to provide hot water for the bathrooms on first floor level and rubberized underlay below the flooring for sound attenuation purposes and to also minimize heat losses on the first floor of the building.

CK said that in that in terms of the consultee's comments, the DOE require the submission of a Predictive EPC before works commence, had recommended the installation of PV panels within the development, confirmed that no works to be carried out during breeding season without prior agreement with them, that bat and bird surveys to be carried out prior to commencement of works and that bat and bird nesting sites need to be provided within the scheme and to be agreed with them.

LPS, MH, MT and TSD had no objections to the proposed development, and the GHT had been consulted but had not provided any comments

CK confirmed that the application had been subject to public participation and the applicant had also served notice on the adjacent property and confirmed that no representations had been received.

CK said that in terms of the planning assessment the TPD welcomes the proposed extension and refurbishment works to the existing building and that the traditional design of the building is being maintained, and consider that the proposed works are sympathetic to the host building. CK confirmed that the TPD did not have any particular concerns with the art room as it is located to the rear of the site behind Europa Road and this element of the scheme is not considered to be visually prominent. CK confirmed that overall the TPD is recommending approval of the application subject to conditions requiring a predictive EPC to be submitted and final sustainability measures to be agreed with the DOE, bird and bat surveys to be undertaken prior to commencement of the development, details of proposed bird and bat nesting sites to be submitted for approval, as well as the requirement for EVCPs to be provided within the garage.

The Chairman said this was a sympathetic development and recommendations is to approve the application subject to the proposed conditions and invited comments from the members of the Commission.

GM requested clarification on the removal of all the dormer windows on the main building.

The Chairman told GM this was because they were proposing to construct an additional storey. GM then asked if the dormer windows were to be reinstalled. The Chairman confirmed that they would not be reinstalled

JH said she agreed with the comments and asked if there was no heritage value on this property.

The Chairman said the MfH had no objections to the proposals and that there had been no comments from the GHT and the outbuilding at the back were later additions. The Chairman said that the proposed works were considered to be in keeping with the character of the host building.

The Chairman asked the Commission if the application could be approved unanimously.

The application was approved unanimously.

4/23 – O/18445/22G – Cemetery Road -- Proposed erection of a standalone building to serve as a mortuary and ancillary facilities.

CK stated that this was a GOG outline application seeking in-principle approval for the construction of a mortuary with ancillary uses on Cemetery Road. CK explained that the site currently comprises seven porta cabins spread over two levels as well as three redundant parking spaces. CK confirmed that the proposed development is seeking outline planning permission for the construction of a two-storey standalone building with a single pitch roof, the ground floor would include a cafeteria, balming preparation room, hall reception and two lifts (one for coffins and one for other passengers) whilst the first floor level would include two viewing rooms and a waiting area. CK also noted that the single pitch roof is intended to include solar tiles to provide hot water and secondary lighting to the building. CK noted that the architects' intention had been to design a building which mirrors its surrounding and represents a simple and elegant structure to reflect its usage. CK note that no parking had been provided within the proposed development for hearses, visitors or staff.

CK said that in that in terms of the consultee's comments, the DCA had confirmed that they had no objections to an Outline Planning Permission being issued subject to the applicant submitting a Solar Glare Hazard Analysis in support of the full application demonstrating that the project will not prejudice the safe operation of Air Traffic Control or aircraft approaching the runway, and that he would not want bat and swift nesting sites on the building. because of proximity to the airfield

The DOE had confirmed that they welcome the proposed installation of solar tiles, would require the submission of a predictive EPC in support of the full application, confirmed that no works are to be undertaken during breeding season, without prior agreement and that they require bat and birds nesting sites to be provided within the development.

MfH confirmed that they had no objections to the proposed mortuary on site, however, they are of the opinion that the roof and the colour scheme does not blend with the surroundings which make the building appear out of context. In addition to this they would require an archeological watching brief to be undertaken during all ground works.

TSD confirmed that they have no architectural or technical objections to the proposed development

The GHT, LPS and MoT had been consulted but had not provided any comments

CK confirmed that the application had been subject to public participation and one set of representations had been received. CK summarized that this person had objected to the style of the building on the basis that they considered the surrounding and the existing buildings are quaint with original pitched roof tiles and consider the proposed mortuary building should match this. CK went on to state that the objector considered that the mortuary should be an aesthetically pleasing building and the proposed building looks like a warehouse or a store and does not aspire to calm and tranquility and suggested that a mortuary should include windows with shutters like the existing cottage with white walls and a terracotta pitched roof.

CK confirmed that the agent had submitted counter representations in which they stress that the comments are to do with the style of the building which they would not want to change, that they consider architecture is about the soul as much as the appearance of a building and that they strongly believe the proposed design of the building fits in with the use and does not look out of place in the surrounding area, which includes industrial units.

CK said that in terms of the planning assessment the TPD does not have any objection to the removal of the porta cabins, as this is an eyesore and have a negative impact on the street scene. CK went on to confirm that the TPD considers that this is an appropriate site for a mortuary, especially due to its proximity to the cemetery and that there are no objections to the proposed scale, massing or height of the proposed building and they welcome the inclusion of the solar tiles and have no objections to a simple building design.

Notwithstanding this, CK went on to state that the TPD has some concerns with the design of the building, including the façade treatment and colour and tones proposed and that the visuals submitted present the building in a slightly generic and gloomy light and that these could be enhanced and improved though the detailed designed process, and could include the incorporation of terracotta solar tiles which would add warmth and depth to the proposed mortuary building. CK went on to set out that the TPD also considers that through the detailed design process, the applicant could look at including landscape features including green areas, planters or green walls or creeping plants on parts of the elevations. CK also set

out that the TPD has concerns with parking being seemingly overlooked, as there are no designated parking for hearses, visitors or employees and confirmed that at a minimum there should be designated motorcycle and bicycle parking for staff and there should be a designated area for hearses. CK suggested that one option could be shared use of the adjacent no parking area, for hearses, however this would require a reorientation of the internal layout of the building to ensure it's used efficiently and avoid a situation where hearses stop outside the cafeteria. CK confirmed that overall the TPD recommends granting outline planning permission subject to conditions to address Consultee comments and the points set out in the Town Planning report as well as the provision of bat and bird nesting facilities on an alternative site to be agreed with the DOE.

The Chairman reminded the Commission that copies of the representations and applicant's counter representations had been circulated previously but essentially Town Planning is recommending approval but needs additional work to be undertaken by the applicant on the architectural side, and that the applicant needs to address parking issues associated with the development, including the provision of an area for hearse parking.

MESCCE said the design needs a lot of work and therefore the final design when it goes to full planning may not be the same as this so, there is still some work that needs to be done.

JH said the entrance is a very busy area to have hearses parked there for any length of time, it is not ideal and said this should be re-thought and how the area is going to function and this might need a redesign.

CAM said their comments related to the design of the building and have no objections to the location and the use. She agreed with the suggestions that the TPD have made. She said she was interested to see the appearance of solar tiling in Gibraltar, balancing visual interest along with energy saving requirements. CAM said the suggestions of the TPD would improve the appearance of the building within its historical setting.

JH said that when Expressions of Interest were first made public, there was talk about it being run on a private basis with a cost factor to the public for a service which has always been free of charge and asked if this was going to be run commercially or free of charge.

The Chairman said this was not a Planning consideration and had no information on this and said MESCCE might have other information.

JH said there was a strong public sense of feeling on this and that the mortuary should be a free service to the public.

CAM asked if mortuaries are non-denominational as the glazing has a cross on front and whether this should be looked at.

The Chairman answered that he was not certain and asked the Members if they were aware, which they were not. He then said the point could be raised with the applicant.

The Chairman asked the members if they needed to take a vote on the application or whether the application could be approved unanimously, bearing in mind that through the separate parallel Expression of Interests process there could be other changes to the design of the mortuary building when it is submitted as a full planning application.

The application was unanimously approved.

Minor and Other Works– not within scope of delegated powers

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

5/23 – F/18359/22 – Existing Carpark Area off Town Range opposite Victualing Office Lane -- Provision of a drop-off area with demarcated parking spaces off Town Range, including accessible parking, bicycle parking, landscaping, pedestrian crossing and traffic calming measures.

JH asked to take a look at the application which was recommended for approval and stated that this was a very busy carpark and the proposals would be inconveniencing some existing users.

The Chairman said that the proposals were part of the school development and will provide an area (six spaces) where parents can drop off and pick up children during school hours as well as re-providing existing public parking in a different arrangement, motorcycle parking, bicycle parking and general environmental improvements to the existing area. The Chairman went on to state that outside school hours, the drop off area spaces would be able to be used by residents.

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.

6/23 – O/16334/19 – Flat A, 3 Gardiner's Road -- Proposed extension and re-development of dwelling into apartments

Consideration of request to renew Outline Planning Permission No. 8146.

7/23 – F/16720/20 – 7 Carter House, Naval Hospital Road -- Proposed installation of window in rear-facing external wall of bathroom.

8/23 – F/18166/22 – The Gibraltar National Museum 18-20, Bomb House Lane -- Proposed replacement of the back doors to the building.

9/23 – FB/18207/22 – 117 Rosia Plaza, Rosia Road -- Retrospective application for minor alterations to apartment premises

10/23 – F/18230/22 – 141 Peninsular Heights -- Proposed conversion of pergola into conservatory.

11/23 – F/18310/22 – Rear Service Road, Europlaza -- Proposed construction of stores for residents.

12/23 – F/18356/22 – Garden Apartment No. 6, Quay 27 Kings Wharf, 32-34 Queensway -- Proposed installation of glazed privacy screen to terrace area.

13/23 – F/18391/22 – 7th Floor Roof Terrace, Eurotowers, Europort Road -- Proposed beautification and improvements to communal roof terrace.

14/23 – F/18413/22 – Unit 18-20 Watergardens, Block 3, 2 Waterport Wharf -- Proposed relocation of external mounted ac condenser units to south façade.

15/23 – F/18415/22 – 17 Prince Edward's Road -- Proposed single storey residential extension over existing building.

Consideration of revised plans for change of roof tiles and additional window.

16/23 – F/18418/22 – Apartment 7, Quay 29, Kings Wharf -- Proposed installation of awning.

17/23 – F/18424/22 – 20 Castle Street -- Retrospective application for internal alterations and removal of two windows.

18/23 – F/18426/22 – 9 Admirals Place, Naval Hospital Road -- Proposed installation of loft windows.

19/23 – F/18435/22 – 16 Admirals Place, South District -- Proposed alterations including installation of new external timber windows and doors, and attic conversion.

20/23 – F/18448/22 – 31 Ash Tree Lodge, Montagu Gardens -- Proposed reversion of two bedroom flat to original three bedroom layout and change of windows.

21/23 – F/18451/22 – 12/1 Tuckey's Lane -- Proposed change of use of store room to studio flat.

22/23 – F/18454/22 – Unit A, The Old Bank, 17-21 Cannon Lane -- Retrospective application for proposed change from office (Class A2) to retail (Class A1) and installation of signage.

23/23 – F/18475/22 – 14 Europa Pass Battery, Europa Pass -- Proposed extension into light well, works to balcony and other ancillary works.

24/23 – F/18476/22 – Villa Medici 10, 21 Little Genoa, Sir Herbert Miles Road -- Proposed minor alterations and realignment of patio/boundary wall.

25/23 – F/18484/22 – 207-209 Main Street -- Proposed minor works for internal refurbishment, refurbishment of façade and terrace enclosure.

26/23 – F/18486/22 – 18A Elliott's Battery -- Proposed internal alterations, creation of new window opening and construction of a proposed shed within the patio.

27/23 – F/18487/22 – 1004, Red Orchid, Ocean Spa Plaza -- Proposed installation of glass curtains.

28/23 – D/18507/22 – Ex-Toc H Site Line Wall Road -- Proposed demolition of various masonry and timber structures within site.

29/23 – A/18345/22 – Unit A Tisa House, 143 Main Street -- Proposed installation of signage at first floor level.

30/23 – A/18490/22 – 62 Irish Town -- Proposed installation of office sign and directory.

31/23 – MA/18443/22 – 2, Library Villas, 14 Library Gardens -- Proposed extension and internal alterations.

Consideration of proposed Minor Amendments including:

- *Proposed conversion of the lower ground floor cellar into a one-bedroom apartment.*

32/23 – MA/18453/22 – 18-22 South Barrack Ramp -- Proposed refurbishment of the existing building and construction of a two-storey-extension.

Consideration of proposed Minor Amendments including:

- ***Enclosure of the wider section of the terrace of Flat 8 with glass wall partitions and composite roof panel.***

33/23 – MA/18492/22 – Flat 7-3rd Floor, Gibraltar Heights, Bishop Rapallo Ramp -- Proposed refurbishment to include replacement of windows/doors and installation of AC units.

Consideration of proposed Minor Amendments including:

- ***Proposed installation of uPVC or white aluminum screens at the ends of the third floor terraces ends.***

34/23 - Any other business

The Chairman thanked the Members and noted that the next meeting would be held on 23rd February 2023.

Chris Key

Secretary to the

Development and Planning Commission