

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4th meeting of 2023 held remotely via video conferencing on 23rd March 2023 at 9.30am

- Present:**
- Mr P Naughton-Rumbo (Chairman)  
(Town Planner)
  - The Hon P Balban (MT)  
(Minister for Transport)
  - The Hon Dr J Cortes (MESCE)  
(Minister for Environment, Sustainability,  
Climate Change and Education)
  - Mr H Montado (HM)  
(Chief Technical Officer)
  - Mr G Matto (GM)  
(Technical Services Department)
  - Mrs C Montado (CAM)  
(Gibraltar Heritage Trust)
  - Mr K De Los Santos (KDS)  
(Land Property Services)
  - Mr L Linares (LL)  
(Gibraltar Ornithological & Natural History  
Society)
  - Mr C Viagas (CV)
  - Mrs J Howitt (JH)  
(Environmental Safety Group)
  - Mr S Benson (SB)  
(Rep Commander British Forces, Gibraltar)
- In attendance:**
- Mr C Key (CK)  
(Deputy Town Planner)
  - Mr P Cosquiere (PC)  
(Town Planning assistant)
  - Mr D Francis  
(Minute Secretary)
- Apologies:**
- The Hon Dr J Garcia  
(Deputy Chief Minister)

APPROVED  
23 March 2023

Dr K Bensusan  
(Gibraltar Ornithological & Natural History  
Society)

## Approval of Minutes

### **68/23 – Approval of Minutes of the 2nd meeting of 2023 held on 23rd February 2023 and approval of Minutes of the 3rd meeting of 2023 held on 9th March 2023.**

The minutes of the 2nd meeting of 2023 held on 23rd February 2023 were approved. The minutes of the 3rd meeting of 2023 held on 9th March 2023 were not ready so this item was deferred.

## Matters Arising

None

## Major Developments

### **69/23 – O/18550/22 – 18 Winston Churchill Avenue -- Proposed construction of the Gibraltar National Stadium.**

CK presented the application to the Commission and the main points were:

- 35000m<sup>2</sup> site includes a sewage pumping station owned by HMGOG, a single storey Gibtelecom distribution Centre and the Cepsa fuel station.
- Outline planning permission was issued in November 2018 for the construction of a category 4 UEFA football stadium, which was 21m in height and has a capacity for over 8000 spectators.
- The Commission had considered that the scheme required design improvements to the north elevation and a number of environmental reports to be submitted in support of the full application.
- The proposed application ranges in height from 10.77m on the northern extent to a maximum height of 36m towards the southern/eastern corner and a maximum capacity of 8090 seats.
- The stadium has been designed in accordance with the UEFA and Centre for Access to Football in Europe good practice guide.
- The scheme includes the reorientation of the pitch in order to comply with UEFA guidelines.
- Parking would be available in the park and ride car park but the main focus is to provide pedestrian access and to encourage cycling by providing cycling lanes, which is consistent with the ATS (Active Travel Strategy).
- The scheme also comprises 92 apartments located over five floors on the southern side of the site. Associated residential parking will be located on the second floor on the eastern side of the site.
- The residential element has roof gardens and amenities that will include a pool on the seventh floor.
- The scheme will include a two storey shopping centre comprising 9000m<sup>2</sup> of floor space on the ground and first floor and 3600m<sup>2</sup> of commercial offices on the third floor.
- The applicant has committed to keep the Gibtelecom infrastructure and has also confirmed that the existing pumping station is not included as part of the application.
- The applicant has submitted an Archaeological Desk Based Assessment (ADBA) which suggests that there is evidence that the stone jetty is present beneath the site as well as the possibility of the Bayside jetty.

CK said that the application had been subject to public participation and the TPD (Town Planning Department) had received one set of representations from Mr Allan Asquez (AA), the owner of the Victoria Stadium bar. Mr Asquez wished to address the Commission.

Mr Joseph Nuñez (JN) addressed the Commission on behalf of AA.

JN said that the Victoria Stadium bar has been enjoyed by sportsmen for 25 years so far as AA was concerned and for many years prior. JN confirmed that VSB Ltd is the owner of the Bar, which has two stores within the footprint of the proposal. JN confirmed that VSB Ltd also owns the Dining 54 restaurant, which also has a store within the proposal, and is crucial to the day to day operations of the restaurant.

JN said that there has been no consultation between the developers and VSB limited to find a way to move forward. JN said that VSB Ltd was concerned and respectfully suggested to the Commission that the business, kiosks and stores be re-sited during the construction works and subsequently rehoused within the new proposal.

CK said that the TPD had received comments from the consultees and were as follows:

- The DOE (Department of the Environment) requires;
  - A geotechnical investigation of the site prior to the commencement of the development.
  - A discharge permit should any dewatering works be required.
  - A predictive EPC.
  - Grey water recycling technology should be incorporated.
  - Recommended installation of non-reflective photo voltaic panels.
  - The development should provide a minimum 5% of the total land area as green area with a maintenance scheme.
  - The positioning of nest boxes to support swifts and bats are not encouraged on the site due to the proximity of RAF Gibraltar but do require the applicant to install the nests at an alternative location.
- The DCA (Director of Civil Aviation) has confirmed that they are content for outline planning permission to be granted subject to conditions requiring;
  - An Aeronautical assessment.
  - A Wind Study report.
  - A solar glare hazard analysis.
  - The developer to demonstrate that there are no direct line of sight of any screens within the stadium, from air traffic control.
- The GHT (Gibraltar Heritage Trust) considers that the ADBA captures the potential for archaeology and heritage assets on site and require;
  - A robust recovery recording strategy to mitigate for any findings.
  - The photographic survey of the existing Victoria Stadium should be made publicly accessible.
  - The GHT consider that although the mass and volume of the scheme has increased in line with the increase of the capacity of the stadium, and the addition of the ancillary uses, the overall impact of the physicality of the build, does not negatively impact any further on the area than previous schemes that have been put forward.

- The GSLA (Gibraltar Sports & Leisure Authority) have confirmed that they have technical requirements regarding the existing infrastructure to be relocated and infrastructure including emergency exits that need to be retained.
- The Ministry for Heritage confirmed that they acknowledge the contents of the ADBA which highlight the potential for historical and archaeological remains. The Ministry for Heritage require;
  - A watching brief through any excavation and all groundworks.
  - Any archaeologist to be on site needs to be vetted by them.
- The Ministry of Equality recommend that the applicant should ensure that the development is compatible with UEFA guidelines and the UK accessibility stadia document.
- The Ministry of Transport have confirmed that the proposed development satisfies the regulations in terms of parking for residential development. The Ministry of Transport require that;
  - Sheltered bicycle parking for residents and commercial zones to be provided.
  - On street bicycle parking for visitors.
  - Close liaison with the developer to ensure that the development of the stadium and the cycle lanes do not clash and are workable to all parties.
  - The requirements for the Winston Churchill Avenue cul de sac are adhered to.
  - The crossing point by the cross of sacrifice is still to be determined and the crossing point by the petrol station needs to be further assessed in regards to impact on traffic flow.
- The TSD (Technical Services Department) has confirmed that they do not have any objections to the proposed development, however they do confirm that the applicant must liaise closely with the Highways section for traffic related matters and the Infrastructure section for all drainage requirements during the detailed design phase of the project.

CK confirmed that the application is to be discussed at the next Traffic Commission meeting and confirmed that LPS (Land Property Services) had no objections.

CK presented the TPD's assessment.

CK said that the TPD had no objection to the demolition of the Victoria Stadium or to the proposed construction of the UEFA category 4 stadium. CK added that the TPD had no objection to the incorporation of residential, commercial and retail uses within the scheme. CK said that although the TPD acknowledges that there will be a visual impact, they welcome the change in design aesthetic of the building and consider that previous concerns regarding the north elevation have been addressed satisfactorily. CK added that this has resulted in a sleek and elegant stadium with an interesting design feature in respect of the fins.

CK said that the applicant should meet the motorcycle and bicycle parking requirement for residential and proposed office elements within the scheme and that 40% of car parking spaces should have active electric vehicle charging points. CK said that overall the scheme generally

complies with planning policy and that the TPD recommends that the Commission should resolve to approve the application subject to conditions that have been set out in the planning report and the list of conditions on the DPC paper that has been circulated to the members of the Commission.

JH said that the applicant should have approached the businesses that are currently operating at the Victoria Stadium. JH asked what the capacity of the Park & Ride carpark was, as the intention for the carpark was to limit the number of vehicles that come into Gibraltar. JH noted that there had been several proposals previously submitted for the new stadium with different heights and massing. JH asked why there had not been an EIA (Environmental Impact Assessment) submitted for this proposal. JH added that there are various developments happening in the area and the timing of the works should be carefully planned. JH also asked what and who will be using the stadium between the football games.

The Chairman informed the Commission that the previous proposal was screened by an EIA and the previous findings will be taken on board as part of the current proposal.

The design team explained that VSB Ltd should contact the owner in order to discuss a way forward regarding the existing businesses. They explained that they are providing car parking spaces for the residential and office elements of the development but are also counting on the Park & Ride car park for the shopping centre. They added that they were happy to assist the client in providing a solution regarding the existing businesses.

CAM asked the design team for further details regarding the intentions of the shopping centre. CAM explained that Gibraltar's historic Main Street was our shopping centre and although competition is desirable to keep standards high, she asked if there was a strategy in place in order to not affect the viability of businesses there.

The design team explained that they had not been informed or had defined the exact nature of the retail element of the development at this stage.

CAM said that the applicant must be provided with feedback to ensure that the retail element enhances Gibraltar's offering as opposed to stamping out small businesses.

MESCE said that the stadium being net zero in terms of renewable energy is a must. MESCE explained that this could be achieved by solar panels, solar glass and other new technology to ensure carbon neutrality. MESCE added that he would require 100% electric vehicle capability.

MESCE suggested that the applicant could include the refurbishment of the sundial roundabout and include, within the stadium, a significant interpretation of the history and natural history of that area.

MESCE was interested in having some information on how the influx of spectators and visitors to the stadium would be handled and also informed the developer that there are active pallid swift nests in the area. MESCE added that the demolition may not commence until the swifts migrated back to Africa and once the works commenced, the equivalent number of nests must be provided.

CK said that there is a requirement for the applicant to provide a visitor management plan in support of the full application so the TPD would expect that the movement details would be provided at that stage.

MT pointed out that the bicycle lane would be in situ before this development starts and the developer must be careful not to damage the lane or interrupt the fluidity or movement of people. MT said that if any hoarding were to affect the bicycle lane in any stretch, then it must be preserved and an alternative measure must be provided. MT explained that part of the bicycle lane would be built to a high specification and the other part would not because of the expected developments in the area and they would expect the developer to bring the lane up to specification when completing the development.

MT sought clarification on the lease boundary of the development which appeared to encroach on Winston Churchill Avenue. MT added that he would like to see locked up e-bike charging stations and a facility for cargo bike parking.

The Chairman agreed that the renovation of the Sundial Roundabout would complement the development. The Chairman asked LPS for clarification on the lease boundary on Winston Churchill Avenue.

KDS confirmed that the boundary shown on the screen did not represent the lease boundary.

JH said that most of her questions had been answered but was still unclear on who will be using the stadium or how it would be used.

The design team said that the vision was for the sports facilities will continue to be used by schools and the community. They said that the infrastructure that they are planning is for the pitch to be used for large events like concerts when there is no football and were still unsure about the nature of the commercial element.

The Chairman moved to approve the application under the recommendations provided.

The application was unanimously approved as submitted with the conditions recommended by the TPD.

**70/23 - F/18555/22 - Winston Churchill Avenue -- Proposed construction of a new residential building with apartments and day care centre, an elevated playground area and a car park.**

CK presented the application to the Commission and the main points were:

- The site is 951m<sup>2</sup> comprising an existing outdoor carpark with 37 car parking spaces for residents of Laguna Estate which will be relocated to the Park and Ride car park.
- There are two infrastructure elements within the site. A transformer which is proposed to be relocated within the technical area of the ground floor carpark and a telecommunications cabinet which will be removed.
- The proposed development is for a 10 storey residential building which will be 34m in height with 40 apartments for the elderly.
- The proposal includes a youth club, playground and associated car parking.
- The proposed development has been designed to maximize the potential uses of the site by incorporating parking facilities and technical rooms at ground floor and first floor. The youth club and day centre amenities are to be provided on the second floor.
- Access to the parking facility will be via Winston Churchill Avenue. Vehicles will egress through Sortie Road and Laguna Estate.

- The main entrance to the residential and amenity elements of the development will be via Sortie Road.
- The large structural screen around the parking area will increase the interior security, allow ventilation through the car park and allow for the installation of a vertical garden.
- On the upper floors, there will be forty 1 bedroom apartments. Six apartments per floor from the 3<sup>rd</sup> floor to the 8<sup>th</sup> floor and four apartments on the 9<sup>th</sup> floor.
- The scheme incorporates substantive vertical green walls throughout the ground and first floor parking levels as well as landscape gardens on the second floor roof area and planted balconies on the upper floors.
- Photovoltaic panels are included at roof level.
- Home energy and water metering systems.
- The proposed building has been orientated to maximize solar gain and natural cross ventilation.
- Native vegetation to be used for landscaping.
- 20% of parking spaces will include electric vehicle charging points.
- The applicant has submitted a CEMP (Construction Environmental Management Plan) which sets out the proposed management method for the construction of the project.

CK said that two representation had been received. One from the owner of the adjacent Laguna Bar and one from a resident of the adjacent Smith Dorrien House.

Mr Requena, the owner of Laguna Bar, was concerned that if the proposal went forward, it would make certain access to the Bar difficult for Mrs Requena, who has a disability. Mr Requena asked the Commission to provide a loading/unloading bay and a disabled parking space.

Mr Requena informed the Commission that they had recently renovated the premises extensively and was concerned about the potential for cracks appearing in the building because of the proposal's proximity.

The Chairman explained that the proposal would have to be approved by Building Control which would check the structural details. The Chairman added that the normal procedure would be that the developer checks the buildings immediately adjacent.

Mr Requena said that he would be keeping photographic evidence throughout the build just in case.

CK said that the applicant presented counter representations particularly to the points raised by Mr Requena where the Laguna Bar would lose customers. The applicant stated that they consider that the proposed development will increase business possibilities at the Laguna Bar as it will benefit from the beautification of the area and an increase of people using the youth club facility.

CK explained that the residents at Smith Dorrien House objected to the loss of the existing residential car parking spaces, that the development will cause shadowing to the residents of Smith Dorrien House and will be an eyesore and out of character for the area. The residents were also concerned regarding the diversion of traffic from the proposed development through Laguna Estate.

CK said that the counter representations were that the loss of natural lighting will only affect the lower floors of Smith Dorrien House and the regulations regarding distancing between windows were being complied with, with a distance of more than 8m between the properties.



CK summarized the comments from the consultees:

- The DCA confirmed that they have no objection to planning permission being granted subject to a condition that if there are any cranes over 50m in height deployed during construction, the airport authority will need to be informed and they will need to be fitted with aviation instruction lights.
- The DOE welcome the installation of PV panels and they would require:
  - An EPC to demonstrate that the building meets the zero energy building standards.
  - A minimum 5% of the total land area must be green area.
  - A maintenance scheme to ensure the upkeep.
  - They confirmed that no works can be carried out during breeding season without prior consultation to the department.
  - They need to finalise the refuse requirements.
- The Department for Housing have confirmed that they have no objections.
- The GHT have confirmed that they have no in principle objections to a low rise development of the site but maintain that they have concerns that the height of the development will intrude in views of the Rock and the Tower of Homage from key near distant views.
- The Ministry of Equality have concerns regarding the ramp access to the park as it is quite long. They suggested having flat spots so that wheelchair users may rest.
- The Ministry for Heritage have confirmed that they have no heritage concerns but require an Archaeological Watching Brief during all ground works, to be carried out by a qualified archaeologist.
- The Ministry of Transport has confirmed that they have had a meeting with the Highways Section of the TSD and the applicant to discuss the access and egress arrangements.
  - Access will be via Winston Churchill Avenue.
  - Exit will be via Laguna Estate.
  - There will be no right turn through Sortie Road.
  - They require the existing width of the public footpath which runs North to South on the West elevation to be widened.
  - They have confirmed that parking exceeds the regulations.
  - They require electric vehicle charging points in accordance with the regulations.
  - They require the existing residents parking to be relocated.
  - Bicycle and e-bicycle facilities to be incorporated within the forecourt or the building's basement carpark.
- The TSD have confirmed that they have no objection however there are a number of technical requirements that are in the informative of the planning permission should it be granted consent.

- The Traffic Commission had objected to the loss of car parking.

CK presented the TPD's assessment.

CK said that there is no objection to the construction of the residential scheme of what is being proposed on the site. The TPD welcomed the discussions with the applicant post submission and the revisions that have been submitted to address the architectural approach to the building on the upper floors.

CK said that they also welcomed the removal of the football pitch as the recreational play area that is being proposed will cause less amenity problems with the neighbouring Laguna residents. CK said that the TPD acknowledged the comments from the GHT but also noted that not all near distance view can be protected. CK added that the building will have some impact on the natural light received on the lower levels of Smith Dorrien House but note that the flats in the building are dual aspect and will receive light from the other side.

CK added that they welcome the landscaping and the sustainability measures that are included and also welcome the applicant's intent to provide 40% active vehicle charging points.

The TPD recommended approval subject to conditions to address the consultee's comments which include a predictive EPC, the final materials and the colour scheme for the façade treatment to be agreed prior to commencement, details landscaping proposals, the illumination scheme, the maintenance scheme, the width of the public footpath being widened, relocation of car parking and the archaeological watching brief.

The Chairman noted that the design team have been very receptive to comments from the TPD in terms of improving the design of the proposal.

MESCE pointed out that in terms of the parking relocation, multiple developers seem to redirect the parking allocation to the Park and Ride car park. MESCE sought clarification on how this would be carried out. MESCE said that it is a much improved development and the planting and green wall will do well once it has settled down.

MESCE said that the development has to be clearly near zero and would like to see the infrastructure in place for 100% vehicle charging points even though 40% will be active points. MESCE added that swift nest will have to be incorporated into the design.

The Chairman confirmed that the infrastructure will be in place for 100% vehicle charging points. The remaining 60% will just need to have the chargers installed.

CAM wanted to reinforce the point that the height of the building completely screen out the slopes of the Upper Rock, the Northern Defences and the Tower of Homage. CAM said that the GHT considered this to be a key vantage point and is included in the GHT's views and vistas document. CAM said that the GHT feels that the height of the proposal is completely out of context of the area and they cannot support it.

GM was slightly concerned with the proximity of some parts of the proposal. GM said that he believes that part of the site, and the neighbouring building, will be in shadow permanently. GM asked the designers to explain why the configuration of the development had happened in such a way.

The design team said that they designed the building with two volumes to avoid blocking the neighbouring residential block as much as possible and to create a good scenario as the façade behind the building will include a green wall.

JH agreed with CAM's and GM's comments. JH sought clarification on the transport meeting in order to discuss the junction by Laguna Estate that is already a choke point. JH also asked about the removal of the football pitch from the scheme and whether children would be able to use the stadium.

CK confirmed that the transport meeting was scheduled to take place and the Chairman said that he could not provide an answer as he did not have the details regarding the use of the stadium in lieu of the removal of the football pitch.

The design team confirmed that there was an agreement to use the stadium for any sports requirements regarding the youth club.

The Chairman moved to take a vote on the application.

In Favour - 9

Abstention - 1

Against - 1

The application was approved by majority vote.

## Other Developments

### **71/23 – F/18404/22 – 62B Flat Bastion Road -- Proposed refurbishment and remodelling of house and garden including construction of additional floor.**

CK presented the application to the Commission and the main points were:

- The proposed development includes the construction of an additional floor with the refurbishment and remodelling of the house and garden area.
- The revised scheme includes the removal of the existing pitched roof, the construction of an additional floor which will house solar panels and the remodelling of the property to contain 5 bedrooms and amenities, including a cinema room, gymnasium and study.
- Alterations to the gardens design with multiple levels for different purposes.
- The applicant proposes to have 3 car parking spaces and bicycle parking which would result in the loss of 1 on street car parking space and motorcycle parking space.
- The west façade incorporates a number of setbacks and revised fenestration.
- The east façade has also been redesigned to a more traditional design.
- The applicant has submitted a predictive EPC which demonstrates that the building achieves an A rating.

The Chairman invited Ms Carol, who has submitted a written representation to address the Commission.

Ms Carol referred to item 3 of the design and access statement that was presented and said that the proposed building would be obstructing her view substantially, especially on the lower floor. Ms Carol explained that her elderly mother is currently residing on the lower floor and the balcony, which would be obstructed by the proposed build, is key to her emotional wellbeing.

Ms Carol referred to item 4 and 5 of the design and access statement and said that she was concerned about the aesthetic appearance of the building and the conservation of heritage and environment. Ms Carol was also concerned about the loss of parking as she pointed out that several parking spaces around the area had already been lost and it was becoming increasingly difficult to park. Ms Carol pointed out that she was representing the Flat Bastion Road neighbourhood and not just her property.

CK summarized the comments from the consultees:

- The DOE have confirmed that they;
  - Have no objections.
  - Welcome the installation of solar panels.
  - Require bat and bird surveys prior to the commencement of the development.
  - Require integrated bat and bird boxes within the new roof.
  - Confirmed that there are no refuse requirements.
  
- The GHT main concerns were;
  - The loss of character to the Flat Bastion Road streetscape.
  - The loss of views up to the area from Inces Hall.
  - They confirmed that the preference was to retain the pitched roof on the property but understand the requirement for an energy neutral building.
  - They confirmed that they are largely in support of the revised scheme but consider that the proposals could be softened further through additional planting and landscaping.
  
- The Ministry for Heritage have confirmed that they have no concerns with the revised designs.
  
- The Ministry of Transport have confirmed that they have no in principle objections but stated that the loss of on street parking would need to be tabled and cleared by the Traffic Commission.
  
- LPS have confirmed that there are no landlord objections.
  
- TSD have confirmed that they have architectural concerns with the aesthetics and feasibility of the additional floor on the basis that its scale and projection does not fit within the existing streetscape. They have also confirmed that they have no technical objections.

CK presented the TPD's assessment.

CK said that the revised scheme is a scheme that the TPD can support. CK said that the mass and scale of the proposed extension is now considered to be acceptable and fits in with the townscape of the upper old town when viewed from a distance and also when viewed in the Flat Bastion Road streetscape. CK said that the TPD welcomed the installation of photovoltaic panels at roof level and have no objections to the loss of the pitched roof as the building was constructed in the mid 90s. The TPD recommended approval subject to the clearance of the proposed parking arrangements by the Traffic Commission and subject to standard conditions including the submission of detailed landscaping proposals.

MESCE said that the revision was much better than the original submission but thought that the loss of the pitched roof was regrettable. MESCE said that despite the comments from the GHT and the Ministry for Heritage, he could not support the proposal as it still needed work.

CAM explained that the ideal scenario was to retain the pitched roof but were told that because of the requirement for the net energy and performance of the building, it was not possible to do because of the technicalities required to maintain the solar panels.

MESCE said that the energy requirement was a legal requirement and they could not compromise on that but said that there was a lot of technology that can achieve it. MESCE suggested a deferral in order to explore how this could be tempered in a way that would meet some of the other expectations.

CAM suggested the possible use of photovoltaic tiles which might be able to generate the energy needed whilst keeping the pitched roof.

The Chairman asked the applicants and architect available if they had any comment on the points raised.

The architect said that a pitched roof could only have 50% solar which would struggle to hit the target. He added that in Gibraltar, the solar panels need to be cleaned and maintained on a regular basis, otherwise they lose a lot of their efficiency. The architect stated that cleaning the solar panels on a pitched roof, and at this height, is quite difficult and the advice from their specialist was that a flat roof with solar panels at 30 degrees was the most efficient way to meet the energy targets.

MESCE said that accepting the architect's argument would essentially mean the demise of pitched roofs in Gibraltar. MESCE said that he did not agree with the argument that a pitched roof could only have 50% solar panels or solar tiles.

GM concurred with MESCE opinions. GM said that he could not support the present submission based on the fact that the architectural vocabulary which was being used to portray the proposal, was not considered acceptable in the context in which the whole of Flat Bastion Road has been developed over the years.

SB echoed GM's thoughts and observations. SB said that the proposal's design very much departs from the rest of the area. SB was also concerned with the loss of parking.

MT also agreed with the comments made and said that the design of the proposed building does not sit well within Flat Bastion Road.

The Chairman said that the Gibraltar Development Plan policy allows contemporary architecture even within the old town as long as the design principles such as the scale and massing are taken into account. The Chairman said that a lot of work had been carried out between the TPD and the applicant in terms of improving the design of the original submission.

A discussion ensued and the result was that the Commission would take a vote on the application as submitted and if it were to be refused, a deferral could be agreed on in order to further enhance the design to meet the requirements set out by the Commission.

The Chairman moved to take a vote on the application as submitted:

In Favour - 1

Abstention - 0

Against - 10

As the application as submitted was not approved it was agreed to defer the application to allow the applicant to review the design.

**72/23 – F/18406/22 – 9A Gardiner's Road -- Proposed additional storey to existing building and subdivision to create two x duplex units over two floors.**

CK presented the application and the main points were:

- The applicant proposal is to refurbish the upper levels of the property.
- Works will include the subdivision of the existing dwelling on the upper levels into two dwellings.
- The removal of the pitched roof and reconstruction of a new storey with a flat roof above.
- On top of the roof level there will be a part storey with pitched roof across the whole width of the roof to provide access to the roof.
- The proposed extended levels incorporate setbacks and false pitched roof to soften the mass.
- Regularisation of the window styles on the upper floors to provide some harmonisation with arches above the window to match the lower levels.
- The access to the property will be provided by the existing access road and there will be one additional parking bay provided.
- Sustainability statement has been submitted confirming that the building can reach an A rating.
- Sustainable measures incorporated include;
  - External shading.
  - Natural cross ventilation.
  - Potential inclusion of green walls.
  - Heat pumps for hot water production.
  - Solar voltaic and solar thermal panels.
  - Grey water system.

CK said that the application had been subject to public participation and there have been five sets of representations submitted.

The Chairman invited the objectors to address the Commission.

Mrs Carmen Maskill (CM) explained that the applicants dwelling was on the same plot of land as her dwelling. CM said that on paragraph 6 of her deed it states that the number of dwellings on the demised premises shall not exceed, at any time, four dwellings.

CM said that the services for the area run behind the steps of the rear garden and directly under her property. CM explained that there is no management committee and that she has to deal with any matters arising. CM said that she refused permission for any further services to be connected through her property.

CM pointed out that a retrospective approval had been granted for a granny flat within the applicants flat and three further bathrooms had been connected to her sewage without consultation, knowledge or permission. CM also pointed out that an armoured main electrical

cable is resting on a balustrade facing Gardiners Road and taken all the way up to Green Lane as a result of a recent development. CM said that the cable has been left exposed.

CM explained that this application bears similarity to a permission that was given to 7/2 Gardiners Road where balustrades and part of her roof required removing to be able to build according to plans. CM said that the problems arising from the build have been left unresolved and have left her property with considerable damage.

Mr Ian Blair (IB) reinforced CM's comments and added that the access via Green Lane was in a shocking state. IB explained that Green Lane was mostly a single lane which was full of land slips, potholes and broken surface. IB said that the Rock Hotel had contracted OSG to enforce no parking on their side of Green Lane and that only leaves five parking spaces at the top of Green Lane which are invariably occupied.

The Chairman clarified that the DPC is only responsible for planning matters.

Marilyn Lester (ML) also reinforced CM's and IB's comments. ML said that the approval of this application would set a precedent and open the flood gates to other properties on Gardiners Road. ML added that the road and driveway will not withstand more regular traffic, let alone building supply lorries. ML said that nothing has been mentioned as to whether the existing building would be able to withstand the construction works and surely an on site geotechnical survey must be carried out.

Elka Salmon (ES) also reinforced CM's, IB's and ML's comments. ES was concerned about the access, safety, the structural integrity of Green Lane, extreme concerns regarding the nature aspect and fire safety.

The Chairman invited the applicant Mrs Julia Suarez (JS) to address the Commission.

JS said that the property has not been renovated or updated since it was built in the 1980s. JS said that it is in need of repair, particularly the water penetration issues regarding the roof. JS explained that it was their intention to turn the property into a long term family home for themselves and for their future generations.

JS said that they were passionate about sustainability and wanted to make sure that their home was as environmentally friendly as possible, which is why they have taken a sensitive approach to the natural landscape around them.

JS explained that they would like the opportunity to improve the building, make sure it is safe, secure and easy to maintain in the future.

JS's representative explained that regarding the existing access road, they are preparing a method statement in order to minimise impact on the road. He said that they will keep a photographic record of the road and said that they would repair any damage done during construction. He added that the proposal does not step outside of the envelope of the building and mentioned that they would be using a hydroloop system instead of salt water for the flushing of the toilet.

CK summarized the comments from the consultees:

- The DOE welcome the measure in the sustainability statement but they would require;
  - Full details prior to the commencement of works.
  - A predictive EPC at that stage.

- They confirm that net zero status is not required for the project but the developer is encouraged to do so.
  - They confirm that the sustainability report is comprehensive but further investigation is required.
  - Bat and bird surveys to be undertaken before commencement of works.
  - Bat and bird boxes to be incorporated into the development.
  - Refuse requirements would need to be reviewed and note that there is liaison between the applicant and cleansing superintendent.
- The GHT and Ministry for Heritage have confirmed that there are no heritage concerns.
  - LPS have confirmed that there are no landlord objections subject to planning permission and building control permits being obtained.
  - The TSD have confirmed that there are no architectural objections or technical objections to the proposal, however, they do confirm that the applicant must liaise with the infrastructure section of the TSD regarding drainage. The TSD have confirmed that the public sewer at Europa Road is at capacity and the existing private line that runs along Gardiner's Road is also at capacity. The TSD have confirmed that the applicant may need to lay a new sewer up to Europa Road to take the additional load of the development.

CK presented the TPD's assessment.

The TPD noted that the massing and design of the development is generally acceptable. CK said that the applicant has clearly attempted to harmonise the design across the western façade. CK explained that although there is no objection to providing stair access to the roof level, it is currently designed as a full height access core, stretching across the rear of the building and the TPD consider that the additional mass on the roof is unnecessary and could be achieved through an access hatch.

CK said that issues regarding the lease, water and electricity are for the applicant to resolve and other construction access issues raised outside of the remit of planning will be dealt with by the competent authorities should planning permission be granted. CK said that overall the TPD recommended approval of the application subject to revised plans removing the stair core access to the roof level and replacing this with an access hatch and the rest of the conditions presented by the Commission and Consultees.

The Chairman asked the applicant for further clarification in terms of the service connections and the practicalities of construction because of restricted width.

The representative for the applicant explained that in the conversations with the contractors, they have endorsed that they want to see as part of the proposal, that the materials are decanted to smaller vehicles and brought to the site. He explained that they are looking at the construction of a scaffold across the road which would be at a high enough level so as to not interfere with any emergency vehicles and would form a platform to decant materials for the construction of the upper floor.

He said that in terms of the service connections, the pipework goes to those levels at the moment but they are looking to minimise how much additional load they put into the system. He



explained that with the use of the Hydro loop system, it will recover a good deal of grey water. He added that the effect to the neighbouring properties will be minimal.

JH asked if any vegetation would be disturbed during the works.

The applicant said that no vegetation would be lost and said that they would like to add some shade to the front by replacing the structure that is already there with a pergola structure, and over that, they would have a planting scheme, and confirmed that they will be using native species.

MESCE said that there are many issues with this development even though many are not planning issues, they cannot forget that they exist. MESCE was also concerned with the increased density of building higher up the rock and was not sure that he would be able to support the application.

SB asked the applicant how the development would benefit the neighbours in the area and how it would positively impact them.

JS said that they all share the building, which is in a state of disrepair in regards to the guttering, the water ingress and the roofing. JS said that these issues affects everyone and would be addressed during the process of the development.

The Chairman moved to take a vote on the application.

In Favour - 3

Abstention - 0

Against - 8

The application was refused by majority vote.

**73/23 – F/18496/22 – Unit 'A' Chilton Court -- Proposed building for association and charity clubs, offices, storage facility, community hall and playing area premises.**

***Follows on from Outline application.***

CK said that the applicant had requested to defer the application.

**74/23 – F/18567/22 – Unit 2 Majestic Ocean Plaza, Ocean Village -- Proposed change of use from pharmacy to mozzarella production facility and retail.**

PC presented the application to the Commission and the main points were:

- Change of use from a pharmacy (Class A1) to retail (Class A1) and the production of mozzarella.
- The proposal involves internal alterations and the fit out of the unit into an office and shop with a segregated food area.
- The external works involve the erection of a flag sign and box sign.
- Installation of an active carbon filter in the extraction system to reduce odours by up-to 90%.
- Installation of sound attenuators prior to the intake and exhaust louvers to reduce noise.
- The establishment will open from 07:00 to 19:00.

PC confirmed that there were no objections from the consultees.

PC said that two representations had been received from the residents of Majestic Ocean Plaza. Their main concerns were regarding the possible attraction of pests, vermin and odours due to the production of cheese.

PC said that counter representations were made.

PC explained that due to the representations received, the application was moved from the subcommittee to the DPC.

PC said that the Environmental Agency were satisfied with the measures in place and had no objections. The TPD noted that the proposal was an interesting concept and would bring a new business model to retail offer in Gibraltar, and recommended approval of the application subject to standard conditions.

The Chairman informed the Commission that the applicants were available to answer any questions. No questions or comments were made.

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).**

**75/23 – F/18389/22G – Governor's Parade -- Proposed enlargement of current refuse cubicle to cater for the increase in volume of household refuse and recycling.**

##### ***GoG Application***

JH asked for the slides to be presented for clarification.

CK explained that the application consisted of two bin stores. One for household refuse and one for recycling.

The Chairman said that the loss of parking was accepted in this exceptional circumstance because of the overriding need for refuse collection.

The application was approved.

**76/23 – D/18449/22 – Chilton Court -- Proposed demolition of former single storey social youth club building.**

CK explained that although the main application on the agenda was deferred at the applicant's request, the demolition was still to be considered.

CK said that the demolition was not going to cause any urban blight and it was going to be developed at some point. CK informed the Commission that there already was an outline application that has been approved in principle on the site and the TPD had no objections. CK recommended approval of the demolition.

MESCE had no objections to the demolition. MESCE said that he was not sure if there were any active nest at this moment but assured that it is being investigated. MESCE said that if there were to be active nests, the applicant must provide an alternative arrangement that will have to be approved, as it is an offence to remove a roof with active nests in it.

The Chairman said that it will be included as a condition as part of the demolition permit when granted.

The application was approved.

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

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

77/23 – F/16990/20 – 28 Cornwall's Court, Cornwall's Centre -- Retrospective application for refurbishment of apartment including the installation of new and enlargement of existing windows.

78/23 – F/17937/21 – Penthouse 1b, Block 2, Cormorant Wharf, Queensway -- Proposed reconfiguration and refurbish existing penthouse apartment, extend and integrate into the existing loft space and raise the ridge line of the western facing quadrant of the cruciform roof by 1.5m, to the natural apex of the existing ridge lines.

*Consideration of revised plans showing set back windows as requested by the Commission.*

79/23 – F/18189/22 – 24 Willis's Road -- Proposed refurbishment of an existing residential dwelling.

*Consideration of revised finish and colour scheme to top floor elevation as requested by the Commission.*

80/23 – F/18332/22 – 34 South Barrack Road -- Proposed installation of 13 photovoltaic modules on the roof of the building.

81/23 – F/18420/22 – Midtown -- Proposed temporary site sales office under existing car park ramp.

82/23 – F/18497/22 – 334 Canberra, 41 Both Worlds -- Retrospective application for altering and updating the entrance, kitchen and bathroom to the property, including a general refurbishment and enclosing a former balcony.

*Consideration of request to relax Building Regulations (A12).*

83/23 – F/18520/22 – 1 Poca Roca, Signal Station Road -- Retrospective application for minor internal and external alterations to property.

84/23 – F/18542/22 – Flat 4, 15-19 South Barrack Road -- Proposed single storey extension with roof terrace.

85/23 – F/18572/22 – 10A Gardiner's Road – Retrospective application for the enclosure of a balcony.

86/23 – F/18576/23 – Gibtelecom Exchange Room, Sir Herbert Miles Road -- Proposed minor alterations and replacement of wall.

87/23 – F/18625/23G – New Mole House, Police Station, Rosia Road -- Proposed internal alterations and replacement of windows.

**GoG Application**

88/23 – F/18632/23 – Currency Centre, 12 Winston Churchill Avenue -- Proposed installation of wheelchair accessible ATM on existing shop front.

89/23 – D/18438/22 – Surrey House, 28B Europa Road -- Proposed demolition of three storey building and basement.

90/23 – MA/18622/23 – 48-50 Prince Edward's Road -- Proposed refurbishment of property including building of two additional storeys.

*Consideration of proposed Minor Amendments including:*

- *replacing existing door on ground floor apartment with a window.*

91/23 – Any other business

No other business

Chris Key

Secretary to the

Development and Planning Commission