

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes for the 5th meeting of 2023 held remotely via video conferencing on 26th April 2023 at 9.30am

- Present:**
- Mr P Naughton-Rumbo (Chairman)  
(Town Planner)
  - 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)
  - 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)
  - Mrs L Gonzalez  
(Minute Secretary)
  - Mr P Cosquieri (PC)  
(Town Planning Assistant)
- Apologies:**
- The Hon Dr J Garcia  
(Deputy Chief Minister)

## Approval of Minutes

### **92/23 – Approval of Minutes of the 3rd meeting of 2023 held on 9th March 2023 and approval of Minutes of the 4th meeting of 2023 held on 23rd March 2023.**

The minutes of the 3rd meeting of 2023 held on 9th March 2023 were approved. The minutes of the 4th meeting of 2023 held on 23rd March 2023 were not ready so this item was deferred.

## Matters Arising

None

## Major Developments

### **93/23 – F/18592/22 – 1/7 Bayside Road -- Proposed ground plus twelve storey residential building with associated car park and amenities plus a commercial unit (Class A1, A2 and A3) on the ground floor.**

CK presented this application.

CK reported that the outline application had been approved in September 2022.

CK showed some photos of the site and surroundings, detail design, visuals and elevations between the 2 schemes.

CK highlighted the main points:

- Minor changes in the detail design, reduction in units by 8 from the outline application to 57, reconfiguration of ground floor layout.
- Relocation of one of the accesses, loss of 3 on street parking spaces one being replaced with 10 bicycle racks. Revised car parking loss of 7 parking spaces replaced by motorbike parking, excess for parking spaces above the regulations. All parking spaces within the scheme are to be provided with active electric charging points.
- Façade materials are to be stone cladding, timber features, glazed balconies, planters at lower levels, green wall and air conditioning units concealed with a separate condenser.
- Widening of pavements, street planters, green/brown roofs, green walls on the car park level and roof top balcony planters appropriate species to be agreed with the DOE. Trees on site to be retained.
- Detailed environmental sustainability statement by E&M, led lighting, high efficiency heat pumps, irrigation water recovery, cross ventilation, EPC for building to achieve an A rating, bat and bird surveys prior to the demolition alternative sites to be agreed with the DOE.
- Preliminary aeronautical study has been submitted with a full aeronautical study forthcoming. DCA has confirmed that they do not foresee any issues but that the full assessment needs to be cleared prior to issuing permission.
- Bird friendly glazing to be installed.
- Indicative lighting details have been submitted.

## **Consultee comments:**

- DCA - not suitable for bats, aeronautical survey clearance prior to any permission being issued
- DOE - waiting clearance on the Environmental and Sustainability Statement.
- GHT and MH have no objections subject to an archeological watching brief.
- LPS, MOE and TSD no objections.
- Traffic Commission- access and egress layout and access provided on St Anne's Road and this has been cleared.

### **Planning Assessment.**

Planning welcomes the design and welcome the applicant has revised the access and egress arrangements to the scheme in consultation with the MOT for the active travel strategy approved by the Traffic Commission. Welcomes the thorough and comprehensive details submitted.

Welcome the landscaping and public realm improvement but that detailed landscaping plans will need to be submitted and approved prior to any landscaping works commencing.

Clearance will be required on the environmental information submitted to justify the scheme to meet the requirements of the DOE.

Applicant is to submit a detailed aeronautical study which would require clearance with DCA prior to any permission being issued.

Scheme to be recommended for approval subject to the clearance of studies and conditions.

MESCEE said the preliminary assessment on sustainability is not providing the solar power generation and the near zero energy status will not be attained if not improved.

He said he did not support the application unless subject to very strict conditions.

He recommended deferral of the application so this could be addressed as the building does not meet the requirements.

JH agreed with MESCEE and said this was a charming and attractive building but was keen to see how the energy requirement are to be met.

Jimmy Garbarino (JG) (applicant) said they shared the concerns raised by MESCEE and said the problem was the shape of the building, the proximity of the runway and the shadowing of the Tower Block that was an issue and felt this would not be able to be achieved.

JG said they understand that this is the standard of buildings and said that this could be improved and they have struggled with this building and the requirements and can consult with the departments on trying to achieve this.

MESCEE said this was a standard required by the law He said they were working on a mechanism for buildings that cannot achieve carbon neutrality on site to enable them to compensate by other means. He was happy to meet on site and liaise with the developers.

JH said the overshadowing in her view was not that bad and asked if a solar study was carried out. JG said a solar study was carried out but not submitted and JH said this would be good to see.

The Chairman noted that there was a general unanimous feeling that the scheme itself is acceptable so it could be approved in principle but permission not issued until the issues with the nearly zero standards are met and the issue with the aeronautical study cleared.

The Chairman said no permission would be issued until these issues are cleared.

JH said she would abstain until the issues were cleared.

The Chairman stated that if the issues were not addressed satisfactorily then the application would be bought back to DPC.

The application was approved in line with the Chairman's comments.

## Other Developments

### **94/23 – O/18171/22 – 1 Fraser's Ramp and 9 Shaker's Passage -- Proposed refurbishment and extension of existing residential building.**

CK presented this application the main points being:

- This was a four storey building on a sloping site. Existing building comprises 12 residential units, four 1 bedroom, four 2 bedrooms and four 3 bedroom apartments.
- Site surrounded by residential buildings.
- Proposed refurbishment of existing building, construction of 2 storey modern extension incorporating large dormer windows.
- The proposed development is seeking to provide 14 flats, an increase of 2 flats to provide a mix of:
  - 3 x studios and 1 x one-bedroom flat at basement level;
  - 4 x three bedroom duplexes at ground and first floor level
  - 3 x two bedroom flats at second floor level; and
  - 2 x three bedroom and 1 x four bedroom duplexes at third and fourth floor levels.

The scheme can be split into two elements:

- Refurbishment of original building
- Two storey extension to provide 3 x duplex flats.

#### Refurbishment of original:

- Removal of existing balcony and cantilevered extension.
- Semi-open deck corridors which will also include integrated planters on east elevation to access flats at level 2 above.
- Small cantilevered extension to west at all levels taking inspiration from the existing colonial style of the building with increased and uniform window openings.
- Provision of Juliet balconies at ground floor level with timber columns painted black.

- Extended basement apartments accessed directly from Shaker's passage, while the southern two apartments retain the existing front patio which was originally redesigned with a lighter natural timber wall and decorated with street planter.

CK said Town Planning, GHT and MH raised concerns in respect of the loss of the boundary wall and arched entrance way to accommodate the modern treated extension and following discussions with the applicant, this element was revised to retain and restore this element of the existing building frontage whilst accommodating the extension and thus maintaining and enhancing the streetscape character of this part of the Old Town.

### Two storey extension

Originally, two options for the modern extension were submitted:

- Set back modern extension with mono pitched roofs.
- Set back modern extension with re-imagined pitched roofs to create the look of three fully glazed gable ends in a terrace.

Concerns were raised by Town Planning, the GHT and MH in respect of the proposed two storey extension with the common consensus that the proposed two storey extension was considered to be an overdevelopment of the site and that the extension should be reduced by one storey so that it sits comfortably within its surrounding urban landscape and would allow the modern addition to sit lower, and more inconspicuously, behind the parapet.

Following discussions and dialogue with the applicant, revised plans were submitted that maintained a two storey extension, albeit the second floor being a set-back mansard roof with large dormer windows on the west and east elevations.

One set of reps received from occupiers of 1/5 Fraser's Ramp:

- Concerns regarding construction impacts associated with development and effects on daily life including accessibility concerns;
- Concerns raised that proposals will result in people losing their homes and just another money making project to the detriment of people that have lived in the property for many years;
- Concerns regarding loss of natural daylight; and
- Concerns regarding construction impact on existing sewage infrastructure.

Counter reps received from applicant, which set out:

- Proposed works would be subject to same noise restrictions and working hours as other developments.
- Environmental conditions will include standard measures to control dust and rubble;
- All existing tenants except the owner of the property have been promised a council flat by the Government as their apartments are not in good condition;
- Consider very common for two x 4 + storey buildings to face each other in close proximity in the Old Town – distance between buildings is generally 2 – 2.3 m – refurbishment works include repainting building white which will increase Light Reflectance Value, setbacks from the east façade via semi-open deck corridors which will also include integrated planters to provide a more pleasant face and improve privacy;
- A passageway with crash deck and safety netting will be installed during the construction phase of development to allow safe access for residents; and

- Existing infrastructure will be surveyed and will be upgraded or new systems introduced as necessary.

**Consultee Comments:**

DOE require a predictive EPC, installation of solar panels, no works during the breeding season without prior consent, bat and bird survey which include bat and bird nesting sites and refuse requirements to be reviewed.

GHT

- welcome the investment and upgrading of the Old Town but consider the double floor extension is an overdevelopment
- They consider the double floor extension is an overdevelopment and that it should drop by one floor, which would allow modern addition to sit lower and more inconspicuously behind the parapet;
- Despite revised plans, which improve massing of proposed extension, object to proposed mansard roof.
- Welcome revised plans to refurbish original patio wall.

LPS had no comments

MH

- Welcome the restoration of the building, which is in need of investment;
- Originally recommended that the height of the proposed extension be lowered by one floor and ground floor revised so as not to lose the character of the alleyway
- Subsequently confirmed that they welcome the refurbishment of the original patio wall in the revised scheme and do not have significant concerns with the revised design for the extension; and
- Require an archaeologist to be present if any groundworks are proposed

TSD – no architectural or technical objections

**Planning Assessment:**

- Acknowledge that the existing building is tired and in need of renewal and regeneration.
- Welcome dialogue that has been had with the applicant.
- No objection to the refurbishment of the existing building or small cantilevered extension to the west.
- Welcome incorporation of Juliet balconies and uniform windows and shutters – incorporate traditional vernacular elements of Old Town.
- Also welcome that the applicant has revised the plans to retain and restore the boundary wall and archway on the corner of Fraser's Ramp and Shaker's Passage as this maintains and enhances the streetscape in this part of the Old Town.
- No objection to changes on eastern façade including semi-open deck corridors which will also include integrated planters.
- No objection to waiving car parking regulations.
- Acknowledge that the revised plans for the two-storey extension have reduced the mass of this element of the scheme.
- Still maintain the view that a two storey extension is excessive and an overdevelopment of the site and does not sit comfortably within immediate surroundings.

- Mansard roofs and large dormer windows are not design elements which are typically seen in the Old Town and where they exist, they have not aged well and generally have not contributed to an attractive streetscape or townscape – approval of this scheme would set a precedent for other similar extensions in the Old Town.
- Planning considered that the topography of the site and surrounding buildings has a cascading effect and that a single storey extension with a shallow pitched roof would be more appropriate with the potential for sky lights to be provided on the eastern pitch of the roof.

Recommend a deferral of the application in order for the applicant to submit revised plans which comply with Town Planning recommendations for the extension.

MESCEE said he agreed with the deferral and it needs more work, he added to the comments of the DOE the glass balustrade is a danger to the birds it should be like the adjacent building or made opaque and visible to birds.

The Chairman said the recommendation is to defer to allow the applicant to revise their design.

The members agreed that the application should be deferred to allow the applicant to revise the scheme in accordance with the recommendations.

**95/23 – O/18319/22 – Atlas Views, Naval Hospital Hill -- Proposed community Masterplan for the development of external rear garden areas.**

CK presented this application.

Application had previously been deferred by DPC in December 2022.

Members had concerns with the following:

- Mix of fence styles.
- Width of the footpaths.
- Renewables, grey water recycling and solar panels.
- Salt water pools.
- Planting of additional trees.

Meeting with Town Planning and the applicant and MESCEE was held in February.

CK showed the revised plans:

- Uniform steel mesh fence introduced across most of the site.
- Properties 1 & 2 had frosted glass.
- Inclusion of 1.5m public footpath at bottom perimeter with gabion wall.
- Confirm that swimming pools will use fresh water
- Grey water recycling tank to be used for irrigation.

**Consultee comments:**

TSD and MH no objections.

**Planning Assessment:**

- Majority of concerns addressed.
- Introduction of renewables
- Public foot path accessible

It was recommended that the revised master plan be approved subject to conditions:

- Tree and plant surveys to be undertaken before works commence.
- Archaeological watching brief.
- Existing trees to be retained and protected during works.
- Detailed landscaping plans for each garden.
- If scheme is approved individual planning applications should be submitted which should be considered by subcommittee rather than full DPC.

MESCEE was grateful to the estate for engaging. When landscaping plans are submitted, these must specify the area that will be green and the area that will be decked. Areas that are green should exclude tiling and concrete and artificial grass.

The Chairman said the department agreed with this and it will be a specific condition that living green areas need to be living.

JH said she had been liaising with the DOE and Town Planning as the residents below the site have raised concerns with the stability of the slope, with excavations and piling up of rubble and what containment can be put in place to increase the stability.

The Chairman said they were aware and had been in contact with relevant authorities and that these had been checking the site. The owners are waiting for this permission to go through so that they can progress to the individual applications that would show the detail and that these applications would be subject to consultation with the various departments.

SM (for the applicant) said more rubble had been accumulated as works had been delayed and part had fallen with the rain. He said it was safe and the rubble would be cleared and slope stabilised. Retaining works will be done as one operation with one contractor.

JH said the green area should be preserved as much as possible.

The Chairman said the recommendation was to approve the application with conditions raised by MESCEE on ensuring artificial grass is not used as a substitute for the living garden area.

The application was approved unanimously.

**96/23 – F/18341/22 – 41 Admiral's Place, Naval Hospital Road -- Proposed refurbishment of existing property as well as proposed construction of single story ground extension to the rear together with the construction a small outbuilding, a gazebo and enhancement to the garden.**



PC presented this application.

Proposed refurbishment to existing property with single story ground extension to the rear together with the construction a small outbuilding, a gazebo and enhancement to the garden.

The property is a semi-detached two storey dwelling which was built in the early 2000s to replicate the character and the style of the Old Naval Hospital, which is the central feature building in the development site.

Although the dwelling itself has no historical value, the design and finishes of the building has been made to replicate that of the central historical buildings in order to protect the overall character of the area.

Proposed Development.

- Change of door to garage on front elevation.
- Construction of conservatory to be accessed directly from the living room, with the living room doors intended to be removed and direct access to the conservatory created.
- Replacement of existing glass doors from kitchen to garden with a more modern design with black frame.
- Change from a window to door on west elevation to create access to garden from garage to allow separate access route segregated from the dwelling.
- Proposed shed, bar and covered seating area to be created on the west of the garden on area which is currently paved.
- Gazebo structure with glazed sides being erected to the south of the garden overlooking camp bay.
- Timber decking to be installed on stilts over sloped area at the southern end of the garden.
- Glass balustrading to be installed along the decking which will overlook camp bay.

### **Consultee Comments:**

DOE - no objections but require a predictive EPC and Dust Control Plan.

GHT - no objections to an extension or conservatory, however, do not consider that the current proposals are in keeping with the colonial architecture of the estate and architectural language of the proposals should be readdressed.

MH -No significant concerns with the proposal but request an archaeological watching brief to be carried out during works.

LPS no objections.

TSD no objection.

### **Planning Assessment:**

From a planning perspective the works are generally acceptable:

- No objections to the garden works or the proposed conservatory as it will not be seen – simple, elegant design;
- No objections to terrace decking or gazebo structure at southern end of garden – site secluded with limited visual impact – one place it could be potentially seen from is Camp Bay below;
- No objection to conversion of window to door to create separate access route through garage
- Only concern is the replacement of the ground floor window to the kitchen which is not in keeping with the house or other dwellings in the surrounding area;
- This change would set a precedent as there is uniform fenestration throughout Admiral's Place and such a change would potentially result in further applications to request the same.

Planning recommends approval subject to the window to the kitchen being kept as is.

MESCEE said that amount of glass for birds is dangerous as many birds are migrating and both the conservatory and the glass balustrade should be visible or opaque and that green areas should not be replaced by plastic glass.

The Chairman asked MESCEE for clarification as to whether the conservatory was also considered to be a risk to birds due to its location and limited height. MESCEE answered that this was a gateway for bird migration and there needs to be a safe passage for birds.

CAM said Admirals Place is a very large area of historical value and when the huge refurbishment took place the GHT was involved in protecting the character, including the new builds that respected this character. CAM said there have been other conservatories within the development that have been accepted successfully but in a more sympathetic manner and wish for this to continue and they object to the style of the extensions and the conservatory.

MESCEE asked if the applicants would be willing to revisit the design of the conservatory.

Anne Lunden (AL) (for the applicant) said that in relation to the glass, and glass balustrade, some symbols could be included to avoid birds crashing into the glass and she would be happy to look into it. AL said that with reference to MESCEE's concerns on the grass, it will be real grass and not artificial.

The Chairman asked AL if she could respond to the concerns raised by the GHT in relation to the architectural style of the conservatory.

AL said there are different outbuildings and this was a very simple framed structure so it will not be an eyesore. Everything is designed to be very transparent so her client could enjoy the view and its area. She said if this was a concern this could be looked into but it is what is preferred.

CAM said the design should be reconsidered.

AL said the building is a new building that was constructed later.

KDS said that he liked the design and thought that a vote should be taken.

CV said he agreed with KDS. it was a contemporary design and works well with the settings. He liked the design and said it was very elegant, sleek and works.

CAM was concerned that allowing contemporary design would start eroding the overall character of the estate.

A vote was taken:

In favor: 7

Against: 3

The application was approved with conditions on mitigation being applied to the glazing to avoid bird collision.

**97/23 – F/18385/22 – 4-8 Morello’s Ramp -- Proposed single storey extension to building.**

PC presented this application.

4-8 Morello’s Ramp -- Proposed single storey extension to building.

- Site comprises a 3 storey residential building with roof terrace above,
- 3 flats in building – one per floor
- Located in Morello’s Ramp between Prince Edward’s road and Flat Bastion Road
- Area which is densely built up with steps, alleys and passage ways between the dwellings.
- Surrounded by residential buildings

Proposed Development:

- Single storey extension to building to construct an additional 3-bedroom flat with roof terrace above.
- Proposed stair access at roof level – access hatch proposed following discussions with Town Planning due to concerns regarding amenity impact on adjoining flat with communal cloak room and toilet to serve building.
- Application also seeks to carry out improvements to the interior areas of the building and some necessary maintenance works which are needed.

**Consultee Comments:**

DOE – Had no objections but require a predictive EPC, Dust Control Plan, Bat and bird nesting sites and potential for PV panels

GHT – No objections

MH – No objections

LPS – No objections

TSD – No objections

Representations: Piers Geyman & Colleen Dawson

- Loss of light to north facing rooms on upper floors of Prince Edwards Gate Views. (The proposed extension will place a wall in front of and within a foot of the windows)
- Overdevelopment which would put strain on current resources in the area such as water pressure, parking etc. An extra floor would not add to the area or be in keeping with the area.
- Loss of privacy in bedroom.
- Noise disturbance from proximity of roof terrace to bedrooms.
- Work would impact road access to a degree.

No counter representations were submitted, however revisions were made to the proposal in an attempt to address amenity concerns including access hatch at roof level and incorporation of terrace at third floor and significant reduction to size of proposed window opposite objectors 'property.

Objector consulted and no further comments received.

### **Planning Assessment**

The initial submission raised multiple concerns regarding matters of encroachment and overbearing on the abutting neighbour.

This was communicated to the applicant and agent who responded by revising the scheme incorporating setbacks and access hatch to the roof terrace to address these concerns.

Following revisions Town Planning were satisfied with the proposal and considered amenity issues including overbearing nature of extension and encroachment were addressed.

Application recommend for approval subject to standard conditions.

SM (on behalf of applicant) said they had set back as much as they could, not just on the roof level but on the balconies as well. He said by placing the structure where it will be now, will help with privacy issues and he was happy to place frosted glass to the windows. They are trying to be sensitive to the project and not extend higher than the already existing height.

The Chairman said that Town Planning had previously asked you to remove the stair core and to replace it with an access hatch but that the cloakroom has been retained.

SM said that the roof terrace would be mostly used by the people living in the level below and they only have one bathroom and this will not only be a toilet but also as a utility area to place washing machines etc.

GM enquired exactly which windows belonged to the objector and asked if there had been any objections from the property below. The Chairman said there has not been any objections.

MESCEE said he welcomed the fact that the terrace is being retained and not being replaced, he enquired about the glass balustrades and the Chairman confirmed there would be no glass balustrades and MESCEE was happy with this.

CAM said there were no Heritage objections but quite concerned with the objector's argument on the impact it would have on their property as it is very close and not sure if they were to take a vote on this.

The Chairman asked SM if the applicant would have any objection to placing the solar panel on the terrace as opposed to on the cloakroom. SM said this would not be a problem.

The Chairman said the recommendation was to approve the application but they needed to vote.

Votes:

In Favor: 5

Against: 2

Abstentions: 3

Application approved with the condition of the relocation of the solar panel.

**98/23 – F/18440/22 – 6/6 Castle Road -- Proposed construction of a new apartment building to incorporate a mix of 1, 2 and 3 bedroom apartments with terraces, lower level private parking, and associated ancillary works.**

CK presented this application.

#### **Proposed Development:**

Full application seeking planning permission to construct a part three and part five storey residential building with 15 flats (mix of studios and 1, 2 and 3 bedroom apartment including 4 x duplexes) and associated underground parking on the site (12 car parking spaces)

Development can be split into three elements:

- Basement car parking level across whole site and providing parking for 12 cars and 4 motorcycles and to be accessed via existing steep ramp from Castle Road - in order to provide necessary sight lines to enable cars to enter the site it would result in the loss of two on-street public car parking spaces on the opposite side of Castle Road.
- Construction of a part one and part two storey residential accommodation on the northern part of the site above car parking level providing 4 duplexes - 1 x s/s one bedroom duplex with roof terrace, 1 x 2 bedroom duplex and 2 x 3 bedroom duplexes – second floor setback from Lower Castle Road and circa 1m taller than the height of the ground floor of the terrace dwellings to the east of the site.

- Construction of a four storey building above car parking level comprising 2 x studios, 3 x one bedroom flats 6 x two bedroom flats with stair access core leading to roof terrace gardens – plant area also provided at roof level.

Western boundary of development proposes a slight setback podium wall with stone band to differentiate, and balconies with railings on upper floors over Lower Castle Road which overhang the site boundary.

Eastern elevation – residential element on southern extent of site adopts a largely colonial style, including balconies with railings

Concerns were raised regarding encroaching windows and these were subsequently omitted by applicant

Applicant submitted an archaeological DBA in support of the application:

- Value and significance of the Clock Tower and the Outer Walls of the Moorish Castle are high and any works carried out to these assets must be conscious of their value and avoid compromising their visual setting;
- Scale and mass of the proposed development will change the visual setting of the Clock Tower, Tower of Homage, the Gate House and the Outer Wall of the Moorish Castle Complex, even though the development may not directly affect these assets;
- Require comprehensive methodology to be agreed to ensure no physical damage to heritage assets during development as well as pre-construction surveys of the assets and an archeological watching brief.

### **Sustainability Statement**

Predictive EPC submitted – indicates the units will all achieve A - B ratings and that the proposed development will be a nearly zero energy building. No clearance from the DOE on findings of the sustainability statement.

Sustainability features to be incorporated include:

- High performance thermal and acoustic insulation
- Double or triple glazed windows.
- Green roof on roof of residential element to the south of the site.
- Controlled ventilation;
- Use of a heat recovery/ventilation system.
- LED Lighting.

Use of solar panels/photovoltaics and installation of new drainage system.

Application was subject to public participation.

7 sets of reps from local residents which raised concerns regarding, height of building, overlooking, development and design not in keeping with surroundings, obstructing views of heritage assets (Clock Tower) and the city from the Old Town, view of Clock Tower as you head up hill to Tarik Passage will be lost, obscure views of the Moorish walls to the north of the site, restrict light, loss of privacy and security, encroaching windows, loss of on-street public parking, garage cause disturbance (fumes and noise), location of bin store on opposite side of

Castle Road and lead to loss of existing motorcycle parking, required assess to maintain retaining wall (leased to Objector), works will affect structural integrity of neighbouring properties.

Counter representations submitted: removed encroaching windows, views of Clock Tower retained, existing site negatively impacts the Clock Tower, building to the Clock Tower and adjoining terrace limited to two storeys above car park to protect views, building stepped back, section of duplexes omitted to prevent obstruction and overshadowing to neighbouring dwellings, location of bin store recommended by cleansing superintendent.

The objectors were invited to address the DPC.

Rosie Capurro (RC) had concerns on the height of the building, windows on the south elevation would be encroaching on her property, and loss of light, loss of parking spaces, bin stores would cause smell and mess around the area. RC said applicant has placed a camera facing west and requested a guard so that the camera is not looking into her patio.

Joanne Sheppard Capurro (JSC) had concern on the height of the building, overshadowing, addition of private bin housing opposite her house with the loss of public motorcycle parking, loss of public car parking spaces and encroaching windows.

Robert Israel (RI) and Julio Lopez (JL) said the plot of land stands as commercial and development is not allowed, loss of on street parking, bin areas on the road, encroaching windows. On a Heritage side he said this was an important area. He was worried about the stability of the land as there are tanks underneath this plot of land.

John O'Relley (JOR) (architect for applicant) said the site was in a dilapidated condition and it is important to bring this area back to life. Proposed height of the building has been brought down and there have been substantial changes. Penthouse levels have been removed and changed to rooftop gardens to reduce impact. Introduction of solar panels and sustainable features. Set back from the design change and set back from the top front roof level, windows on the northern facade have been removed. Eliminated windows in the duplex to alleviate any privacy issues. 12 Parking spaces will be provided in the lower parking levels, access to the site is restricted and to gain access there will be a loss of 2 parking spaces. Discussion with the refuse department suggested location of the stores and they are willing to incorporate into the development. Heritage will be involved in the project and anything discovered on site will be inspected.

Stephen Olivares (SO) said the cameras will be removed and the purpose of this was because someone had been tampering with the site. On the loss of the view of the clock tower, they had carried out an investigation to make sure all existing angles remain.

### **Consultee Comments:**

Housing Department – concerns regarding noise and dust pollution during construction on nearby residents and concerns that works regarding loss of on street parking and impacts on traffic during construction

DOE - must be nearly zero energy although yet to provide clearance of sustainability and renewable documentation that had been submitted, Dust Control Plan, Bat and bird nesting

site to be integrated in the development, requirement of 50% of greywater produced on site to be recovered, CSI satisfied with proposed refuse facilities.

GHT had serious concerns regarding impact of development on the visual setting of the Warrant Officers Quarters when viewed from the west and of its setting on Castle Road.

Not averse to redevelopment of site for residential use. Consider the proposals are overdevelopment and will negatively impact on the area, they consider proximity of build to the Clock Tower needs to be addressed to allow physical breathing space for this listed monument

Balconies overhanging Lower Castle Road contribute to encroachment on the area.

They recommend reassessment of the scheme with a review of the type of residential development being proposed – consider a lower density scheme, with less parking requirements and more sympathetic treatment to the streetscape on both east and west approaches would be more appropriate and could consequentially be of benefit in providing opportunities for regeneration.

MH: confirm working closely with the applicant and engaging positively. They confirm site abuts two listed heritage assets – the Clock Tower and the Outer Walls of the Moorish Castle which have high value and significance.

- Any works to the site must avoid compromising visual setting of these heritage assets.
- Require comprehensive methodology of works to be agreed prior to works commencing as well as a pre-construction survey of the Clock Tower and section of castle wall abutting the app site.
- Consider that AWB in this instance provides a unique opportunity to enable more info to be obtained about the medieval foundations of these structures
- Potential for recovery of artefacts and human remains below ground given proximity of application site to castle.
- Scale and mass of the proposed development will change the visual setting of the Gate House and Outer Walls of the Moorish Castle.
- Confirm any works to the Clock Tower and the castle walls abutting application site will require a Heritage License form the Ministry of Heritage

MT confirm parking complies with regulations and they would require a safe entry and exit route into the development to be demonstrated with Swept Path Analysis and to be cleared by Traffic Commission. Any public parking lost must be provided elsewhere.

TC – Object to loss of two x public on street parking spaces to facilitate private parking and would need to re-provide lost public parking spaces elsewhere

TSD – No architectural or technical objections. A number of technical requirements would form part of Informative should permission be granted including submission of sight lines

LPS, Gibraltar Museum and WHO - no comments

### **Planning Assessment:**

Acknowledge this brownfield site is in a poor and dilapidated condition which does detract from existing heritage assets abutting site.

No in principle objection to the redevelopment and regeneration of the site



No objections to a residential development on the site

However, there are a number of concerns with the proposed development and it is considered to be unacceptable from a planning perspective

Height, massing and scale and density of the development is considered to result in an overdevelopment of the site, which will adversely impact the setting of the Clock Tower within the Castle Road streetscape and longer distance views.

Height and massing of development is also considered to affect the amenity of the neighbouring properties to the east of the site and those to the south.

Development also considered to be overbearing on Lower Castle Road when viewed from the north and south (particularly the balconies which encroach into the area and are not within the application site)

Overall consider that this application should be refused

However, Planning considers there is potential for a residential development on the site, but this would require a substantive redesign and a new application.

Town Planning would expect any revised scheme to:

- Omit the basement level across the site;
- Restrict the height of the northern element of the scheme to two storeys from podium level in order to address the amenity concerns of the residential properties to the east.
- The northern element of the scheme should also incorporate a physical separation from the Clock Tower and the outer walls of the Moorish Castle in order to allow physical breathing space.
- Restrict the height of the southern element to four storeys from podium level so that it is in line with the ridge of the Clock Tower and will also help to address visual impact when viewed from a distance.
- The northern and southern elements should incorporate a larger setback from the edge of the podium on Lower Castle Road and omit any overhanging balconies not within the application site.
- Potentially omit car parking in order to provide a low density scheme.

The Chairman said the recommendation was to refuse the current application with a complete redesign and a submission of a new application.

MESCEE said he supported the recommendations in relation to the Heritage value of the area and the heritage concerns have been summarised.

CAM agreed with the recommendations.

The Commission unanimously agreed to refuse the application.

**99/23 – MA/18612/23 – 1 Corral Road -- Proposed redevelopment of the existing 'Eurolife building' to provide a 120 bedroom hotel with restaurant and rooftop bar.**

***Consideration of proposed Minor Amendments including:***

- **removal of all construction on the ninth floor level other than the south staircase walls and conversion to green roof/plant area instead of the approved roof terrace with a bar area.**
- **modification of the eighth floor level footprint to help compensate for the built-up area lost on the ninth floor and to incorporate the re-sited bar area;**
- **reconfiguration of internal footprints throughout building to have a better use of space and increase the number of rooms in the hotel to 135.**

CK presented this application.

Full planning permission was issued in March 2018 with a Minor Amendment in Feb 2020 when works commenced.

Detailed design changes:

- Ground Floor level re-siting of entrance to provide level access from the street to the building.
- 1st to 7th Floor – internal reconfiguration of 1st to 7th floors increasing no. of rooms from 120 to 135 including provision of 6 x accessible rooms and 44 x interlinking rooms.
- 8th Floor – footprint amended to compensate loss of floor space previously accommodated at 9th floor including re-provision of bar at northern end with exterior seating area.
- 9th Floor – removal of approved structures (roof top bar and plant areas) and conversion to green roof with PV panels and plant with access to roof for maintenance only.
- West Elevation - change from pure curtain glazing to typical façade with windows and additional windows added within curtain wall for ventilation purposes and to minimize the effect of having small balconies on upper floors.
- North Elevation—removal of windows on north eastern corners and addition of windows to curtain glazing on upper levels.
- East Elevation—reduction of windows in central part of building, addition of windows to curtain glazing on upper floors and windows added at first floor level.
- South Elevation—reduction of windows in central part of building, and addition of windows to curtain glazing on upper floors.
- Elevational Treatment - change of material to be used in elevational treatment from lightweight cladding system to a system comprising proprietary render, lightweight cladding (stone finish) and anodized aluminum mullion profiles.

Application was consulted on and there were no consultee comments.

### **Planning Assessment**

- No objections to internal alterations or increase in rooms including accessible rooms and interlocking rooms which provide flexibility.
- Planning welcomes the removal of structures at rooftop level as this reduces the height of the building.
- No objections to re-siting of rooftop bar to 8th floor that provides an external roof terrace.
- No objections to the minor changes to the elevation treatment and change of materials as it retains architectural language and design aesthetic of approved scheme

Planning recommends approval of the minor amendment application.

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

The application was unanimously approved.

**100/23 – MA/18642/23 – 29 Devil's Tower Road, Lady Williams Centre and Anes Site --  
Proposed construction of an aparthotel/serviced apartments building.**

Consideration of proposed Minor Amendments including:

- omission of basement level;
- amendments to ground floor layout, including the annex building as a separate space for additional storage areas and the incorporation of additional amenities such as enhanced bike store, a swimming pool, a gym, plus food and beverage areas;
- amendments to first floor layout including the addition of business office suites and occupiers' lounge amenities;
- updates to typical floor level layouts;
- top floor level layout updates with 15 additional units and a bio-solar roof replacing previously approved open bar with large sail covers and other areas;
- re-sited location for the two principal staircases and a reduction of the number of lifts from five to three;
- maintenance of overall building height, however, floor heights within this reduced in order to incorporate revised accommodation to compensate for the loss of the basement; and
- The introduction of large areas of green roof and plant area within an open roof deck.

CK presented this application.

Full Planning Permission was issued April 2018 – building demolished and works now commenced

Changes to the detailed design:

- Omission of basement floor.
- Ground floor – Adaptation and extension of floorplate to include the Anes annex building as separate space for additional storage area as well as incorporation of additional amenities including a bike store, swimming pool, gym, food and beverage areas, business office suites and bin store.
- 1st floor – internal reconfiguration, addition of business office suites and provision of public amenities including a lounge.
- 2nd to 10th floors – Internal reconfiguration including addition of external enclosures at terrace level to conceal AC units, inclusion of five x 2 bedroom units at each level due to change in demand and provision of accessible apartments by southern lift core (one per floor).
- 11th floor—omission of previously covered areas with sails and replaced with fully covered areas enabling provision of 15 additional units including two x accessible units. Additionally, one quarter of the roof deck area has been allocated and a bio solar green

roof which incorporates a sedum roof with extensive soft landscaping, PV panels and plant and external terrace areas to units to be enhanced with planters.

- Roof level – New flat roof.
- Elevations – omission of basement and lowering of the raised ground floor level down to street level now provides a more inviting approach to building users and provides more visual interest with new units at top floor level set back with planters.
- Building facade treatment updated with the main projecting cladding elements brought flush with the external building line, and provision of contrast between the external cladding has been added to provide greater visual interest in the street scape.

Notice was served on Charles Anes and the Management Company of Filomena House. The management confirmed they had no objections

Application was consulted on no objections from consultees.

### **Planning Assessment:**

No in principle planning issues with the amendments that are being proposed.

No objections to removal of basement, reconfiguration of scheme to provide active uses at ground floor rather than upper floors and no objections to provision of additional serviced apartments at roof level and welcome inclusion of accessible apartments.

Height of building has not increased and changes to elevational treatment including setback at roof top level enhances design aesthetic of previously approved scheme.

Active uses and changes at ground floor level welcomed and improve scheme.

Recommendation is to approve the application.

MESCEE asked if the tree was still retained, that he welcomes the green roofs but no artificial grass should be allowed and that consultation was required on the landscaping due to the type of plants required.

The Chairman said this could be added as a condition to the permission.

JH said in the site there were about 15 trees and they were all taken out and asked how this would be compensated.

The Chairman said this application was only to approve the minor changes and the redevelopment of the site had already been approved. There is landscaping throughout the development and said he would need ask SM just to confirm the points raised by MESCEE on the tree at ground level on the South East corner of the plot.

SM said there was a passage way to the west of the site which is where it was accommodating most of the new planting to compensate for the loss of trees.

JH said she need to look into this and will get back to Planning on this.

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

Application was approved unanimously.

**Minor and Other Works– not within scope of delegated powers**

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

**101/23 – F/18479/22 – Little Bay Kiosk, Little Bay -- Proposed construction of replacement Little Bay Kiosk, Little Bay -- Proposed construction of replacement takeaway restaurant.**

JH commented that this was a popular area and she was curious to know how they would be dealing with their cooking emissions which currently is an issue. She wanted to know what standards were to be undertaken and if there would be a proper permit issued to be a full blown restaurant.

The Chairman's noted that the application included for the introduction of extraction flues.

MESCEE said that this would need to be cleared by the Environmental Agency which would insist on the appropriate filters for the flues.

The Chairman said that they had been consulted on the application and that planning would make sure that they do check this out.

JH said they had been operating for over a year.

The application was approved.

**102/23 – F/18552/22 – 1A Paradise Ramp -- Proposed construction of a roof terrace and external stair, as well as installation of a pergola and construction of a small additional extension into patio from kitchen at ground floor level.**

This application was approved.

**103/23 – F/18554/22 – 1107 Forbes 1848, 44-46 Devil's Tower Road -- Proposed installation of glass curtains.**

This application was approved.

**104/23 – D/18613/23 – 1/7 Bayside Road -- Proposed demolition of existing building.**

This 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.**

105/23 – F/18208/22 – Penthouse 1, Nimbus House, Tradewinds -- Proposed removal of ducted HVAC system, replacing with multi-split ac. conversion of redundant plant area into home office.

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

106/23 – F/18409/22 – 4 South Barrack Mews, South Barrack Road -- Proposed refurbishment of existing property and installation of plunge pool in exterior patio.

107/23 – F/18446/22 – 1 Carter House, Naval Hospital Road -- Proposed extension and minor internal alterations.

108/23 – F/18462/22 – Flat 2, 6 Parliament Lane -- Proposed alterations and refurbishment of apartment premises.

109/23 – F/18519/22 – House 7, 1 South Pavilion Road -- Proposed alterations to house.

110/23 – F/18574/22 – 1A Ocean Heights -- Proposed change of use from office to storage units/stores.

111/23 – F/18583/22 – 40 Kingston Court, Harbour Views -- Proposed installation of window behind honeycomb bricks in utility room and associated internal alterations.

112/23 – F/18595/23 – McDonald's Restaurant, Europort -- Proposed alterations and refurbishment to play area/terrace.

113/23 – A/18599/23 – Superdry, 42-44 Main Street -- Proposed replacement fascia sign.

114/23 – MA/18524/22 – 2 Europa Mews, Europa Road -- Proposed minor alterations and extension to dwelling including new terrace.

*Consideration of proposed Minor Amendments including:*

- *less extensive scheme including enclosing the covered terrace area with glass curtains and adding another bathroom to the downstairs.*

115/23 – MA/18529/22 – 10 and 11 The Island, Queensway -- Proposed internal and external alterations including replacement windows and enlarged swimming pool.

*Consideration of proposed Minor Amendments including:*

- *replacement of balustrade on back of building;*
- *external landscaping amendments; and*
- *installation of glazed screen on the front of building*

116/23 – MA/18539/22 – 345 Watergardens, Waterport Road -- Proposed extension conversion and minor alterations to penthouse apartment.

*Consideration of proposed Minor Amendments including:*

- *proposed change of material from glass to railings, to ensure the balustrade complies with the required height.*

117/23 – 1555/ P/042/22 – 115 Main Street -- Painting of ground floor façade and removal of dangerous damaged tiles.

118/23 – Any other business

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