

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes for the 6th meeting of 2023 to be held remotely via video conferencing on 18th May 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)
  - The Hon S Linares (MHEYS)  
(Minister for Housing, Employment, Youth and Sport)
  - Mr H Montado (HM)  
(Chief Technical Officer)
  - Mr G Matto (GM)  
(Technical Services Department)
  - Mrs C Montado (CAM)  
(Gibraltar Heritage Trust)
  - Mr K De Los Santos (KDS)  
(Land Property Services)
  - Dr K Bensusan (KB)  
(Gibraltar Ornithological & Natural History Society)
  - Mr C Viagas (CV)
  - Mrs J Howitt (JH)  
(Environmental Safety Group)
  - Mr M Cooper (MC)  
(Rep Commander British Forces, Gibraltar)
- In attendance:**
- Mr C Key (CK)  
(Deputy Town Planner)
  - Mr D Francis  
(Minute Secretary)
- Apologies:**
- The Hon Dr J Garcia  
(Deputy Chief Minister)

## Approval of Minutes

### **119/23 - Approval of Minutes of the 4th meeting of 2023 held on 23rd March 2023 and approval of the Minutes of the 5th meeting of 2023 held on 26th April 2023.**

The minutes of the 4th meeting of 2023 held on 23rd March 2023 and the Minutes of the 5th meeting of 2023 held on 26th April 2023 were not ready, so these items were deferred.

## Matters Arising

None

## Major Developments

**120/23 – F/18556/22 – Building E, Midtown, Queensway Road -- Proposed residential development with residents parking, commercial units on ground floor, extensive landscaping with improvements to ground level areas under the bridge link and associated change of use to level 3 Boston from commercial to residential use.**

The design team presented the application, which covered the fifth and final building in the Midtown development. The main points were:

- In October 2014, outline planning permission was granted for the entire development from a new park all the way through to the Midtown coach and carpark to the north.
- Full planning was subsequently granted in respect to buildings A, B, C, and D.
- The application for building E seeks approval for the detailed design, mixed accommodation, facade, environmental measures and any issues required.
- The ground floor building contains retail and commercial units. Levels one, two and three are car parking, with residential accommodation occupying the levels above.
- There are 52 apartments in total providing a mix of one-, two-, and three- and four-bedroom accommodation.
- The link block between buildings D and E lowered to reduce the massing on the northern boundary.
- The previous proposal for an office building extended to a height of 49.35 meters but the revised proposal for a residential building incorporating three levels of parking extends to a maximum height of 57.65 meters.
- The proposal also includes the proposed change of use to level three in building D from a commercial space to residential units.
- The facade treatment of the residential parts of Midtown is similar to that of Building B, Phase One of Midtown, to give a coherent appearance to the development.
- In terms of landscaping, the central avenue phase one is continued through to some areas of the existing development. The areas under the bridge and the lower levels of building a will also be subject to subtle enhancements.
- The pedestrian movement through the site at ground level has always been an aspiration from the outset, which has been achieved by raising the car parking levels above the ground and avoided the construction of a podium.

- Building E will incorporate advancements in renewable energy systems and further improvements to gain maximum efficiencies in both energy usage and overall comfort.

JH said that as a complete project, the proposed building was due to be office and is now residential, leading to consternation and upset by people who bought into the project to start with. JH asked the applicants to explain the reason behind the change.

The applicant said that the change of use was done because of the market requirements. They explained that the parking requirements for the office accommodation is considerably less and in order to meet the planning requirements for residential, they have had to introduce the parking levels which have influenced an increase in height of those eight meters, but they are still within the maximum height that they have in Midtown, which is the Boston building D.

JH mentioned that at the last meeting, the height of this building was already being looked at carefully as going up so it is a second time that it is going up and should be recorded.

The Chairman invited Mr Dion Durham (DD), who is the objector that wishes to address the Commission.

DD presented a list of objections to the Commission:

- Regarding the building height, the residents of midtown purchased their apartments on the understanding that building E would not exceed the height of the office block and the original plan of about 49 meters. He added that the DPC should not permit this planning creep by allowing developers to exceed the height of the original plan.
- The developers said that they need the extra height for car parking, but this may be misleading, as there already exists free parking space in the current residential parking garage, which was never allocated to any of the apartments.
- Regarding the swimming pool, the existing Midtown development has a single pool that was designed for the numbers of people in the five original residential blocks. He added that it was never designed to accommodate people from six blocks as it already suffers from overcapacity in summer due to its popularity. DD believed that the design should not be approved without an added pool.
- In the completed first phase of midtown, the gold-coloured vane design elements covering the car parking area creates a loud whistling noise at high winds and some people from neighbouring estates have complained about this. DD said that these are the same vanes proposed to be used in building E.
- Regarding the remedial design work to the current buildings, they should also explore adding green walls or climbing plants to replace the gold-coloured vanes in the exterior as well as the interior courtyard as it would also be a greener solution.
- Regarding balcony awnings and glass curtains, according to the building managers, none of the buildings are allowed to have balcony awnings or pergolas to shade from the strong summer sun, nor glass curtains to retain heat in the winter sun. DD added that these features are common in buildings throughout Gibraltar and the design for building E should expressly allow for these additional features as they contribute meaningfully to lowering the total energy footprint of the building.

- Regarding active traveling strategy, there is insufficient private bicycle storage in the first phase already and this should not be repeated in building E.
- The provision of private car parking, especially multiple car parking slots per household should no longer be considered a necessity by the DPC, as there is no point pursuing the active travel strategy if other elements of government policy are incompatible with it and continue to encourage private car use accordingly.
- DD said Referendum Road is a good candidate to be classified as a shared or quiet road under the active travel strategy and the DPC should consider incorporating the remodelling of this road as a condition for the approval of building E.
- Regarding the courtyards, the architect should consider plant covered pergolas at the courtyards as it would add a Mediterranean aesthetic to the site.
- DD said that at the moment, the renderings of the ground levels in and around the site look bare and exposed to the elements and it is a shame the architects and developers did not provide for trees on the south and west sides of the Midtown plot, and instead relied on the afterthought of large planters to decorate the area. DD added that trees or plant cover trellis would add welcome summer shade to the perimeter area surrounding the buildings and a windbreak in winter.

The Chairman noted the objections and asked the applicant for their responses on the points made about the possible use of spare parking available within the existing development and the use of the vertical fins and the fact that there was an issue with wind noise generated by the vertical fins in the first phase.

The applicant explained that they have always had limited parking in Midtown and the reason for this is that they chose to make the ground floor very permeable and were adamant not to have a podium. They explained that because of the wide pavements created around the development, they have had a limited area of parking. The applicant confirmed they are relying on the available parking spaces to meet the planning requirements for the apartments and that most of the apartments just have the one space. The applicant also confirmed that they would be providing between 63 or 65 spaces for Scooters and bicycles.

The applicant said that DD was correct in stating that there were some complaints. The applicant had an acoustic engineer come over from UK in liaison with a modelling agency and have remediated the sound generated to acceptable levels.

The applicant said that the introduction of some limited golden vanes in building E will not cause any noise whatsoever and they are just to tie in those features as part of the Midtown brand. They also explained that because of the infrastructure running underneath the Midtown site, trees cannot be planted there.

After consultation with the Department of Environment they had no option but to put trees in planters, which was not their preference, but is all that they could do. The applicant added that there are in fact pergolas in the refurbished roof garden which also forms part of the application.

CK said that eight other objectors who were residents of the Midtown complex raised other points, and they were in relation to the residents of Boston who will lose their views of the rock because of the extension. CK said that there were also concerns raised regarding the balconies on the western side of building E that would result in an infringement of privacy.

CK summarized the consultee's comments:

The Director of Civil Aviation has confirmed that they are content for planning permission to be granted without any aeronautical conditions been imposed.

The Department of the Environment have confirmed that they welcome the net zero energy building calculations presented on the predictive EPC and that they require an as built EPC upon completion. They also require the final refuse storage requirements to be agreed with the cleaning superintendent prior to any planning permission being issued.

The Ministry of Transport have confirmed that they are satisfied that the scheme meets the car parking regulations and the electric vehicle car parking requirements. They do require on street bicycle parking for visitors and sheltered bicycle parking for residents.

The Technical Services Department, the Ministry for Heritage and the Ministry for Equality have confirmed that they have no objections.

CK said that in respect of the TPD's (Town Planning Department) assessment, they did not have any objection to a residential building in this location as opposed to an office scheme, and also did not have any objection to the increase of the height of the building by 8.3 meters or two residential stories.

The TPD did note the objectors' concerns, however CK said that there are setbacks on the upper levels and considered that the visual impact of the increase in the height, mass and scale would be limited as the building will be the same height as the Boston building behind it. CK said that the TPD also had no objection to the conversion of the unoccupied space on third floor at Boston from Commercial to Residential use. The TDP welcomed the improvements to the public realm on Reclamation Road and also within the Midtown complex. CK said they do make the area more attractive and a more welcoming environment.

The TPD also welcomed the sustainability credentials of the scheme, which indicates that it will achieve the net zero energy building requirements, and the provision of electric vehicle charging points for all spaces and the secure cycle parking within the development for residents. The TPD do consider that public visitor cycle parking should be provided within the scheme and on part of the open area, which is available.

CK said that the TPD would recommend the approval of the application, subject to the refuse requirements being finalized prior to any planning permission being issued, conditions requiring detailed landscaping plans, details of visitor public cycle parking to be provided and ensuring that the sustainability requirements come through and are delivered. CK added that standard conditions and those conditions which are relevant from the previous permissions on the site to be transposed to the planning permission for this scheme.

JH said that they maintain their original objection to the massing of this project and also object to the further increase in height.

CAM said that the GHT (Gibraltar Heritage Trust) has never been happy with the overall height and massing of Midtown. CAM said that they understand the reasons for the change but were more concerned about the increased overcrowding towards the city wall. CAM noted that there will be setbacks but asked the applicant if the balconies are within the boundary of the site, or if they actually overhang the road.

The applicant confirmed that they were within the boundary.

The Chairman moved to take a vote and reminded the Commission that the recommendation was to approve the application as submitted with the conditions.

In Favour - 9  
Abstention - 0  
Against - 2

The application was approved by majority vote in line with the recommendations.

## Other Developments

### **121/23 – F/18395/22 – 22-24 Town Range -- Proposed refurbishment and redevelopment with new residential units, stores, swimming pool and ancillary areas.**

CK said that this is a full application at 20 to 22 Town Range. CK recapped on the history of the site and the previous applications. These included the demolition of a two-storey mews development which was granted a demolition permit, an outline application for a seven-storey building to the rear of the site and a part storey extension on the front including refurbishment. Following that, in December 2017, a six-storey assisted living accommodation scheme was granted outline approval, a full application which was granted permission in 2019 for a mews development to the rear of the site four storeys in height and the refurbishment and part extension to the front of the development. CK said that this included the Juliet balcony feature on the Town Range facade of the development within the middle of the property.

CK said that the full application comprises the refurbishment of the existing four-storey building, in line with the parameters which had been established by the Commission consistently throughout the determination of applications on this site. The main points were:

- The proposal includes two three-bedroom flats and four studios on one part of the site.
- A construction of a six-storey building comprising eight studios and five two-bedroom flats to the rear of the site.
- CK said that this also includes a gym, swimming pool and 11 stores at ground floor level.
- The retention of the commercial units at ground floor level.
- The scope of works for the refurbishment include;

- Repairing existing walls.
  - Cornice and decorative mouldings being repaired.
  - Restoring and replacing timber shutters.
  - Replacing timber windows with composite sash windows, which has consistently been approved by the Commission.
  - Providing a refuse cubicle at ground floor level.
  - The introduction of those larger openings with Juliet balconies in the central part of the site, which has also been approved.
- The setback extension at the top would comprise one studio and the element in front would be a roof terrace, which would be accessible for maintenance purposes only, green roofs and solar panels.
  - An archaeological desk based assessment has been prepared and as recommended, the watching brief is to be undertaken during the construction phase.

CK informed the Commission that the application had been subject to public participation and notice of the application had been served on the occupiers of the site and the occupiers and owners of all surrounding buildings. No representations have been received as part of that consultation process.

CK summarized the consultee's comments:

The DOE confirm that they have no objections, they welcome the installation of photovoltaic panels and green roofs and have reviewed the predictive EPC and sustainability statement and confirm that the department is satisfied with the calculations that have been provided. The DOE require a bat and swift survey to be undertaken prior to work commencing, the final number and locations of nesting sites to be agreed.

The GHT has confirmed that the development falls within the parameters of previously approved developments for the site. The GHT consider that the Juliet balconies are not typical of the Gibraltar vernacular and would not recommend their approval.

The Ministry for Heritage has set out the same concerns as the Trust regarding Juliet balconies. They consider the streetscape will be vastly improved through the restoration of the building. They would require an archaeological watching brief during Groundworks with an archaeologist to be present as the building is located in an ecologically sensitive area.

The Ministry of Equality, and LPS did not have any comments and the Ministry of Transport and TSD have confirmed that they have no objections to the proposed development.

CK said that in respect of the TPD's assessment, they did not have any objections to the refurbishment of the front properties or the part storey setback extension, with the maintenance only roof terrace and green roof to be constructed above. The TPD considered that the part storey extension is of a slightly bland design and could be improved through the provision of a cornice feature above the door and window level.

The TPD did not have any objections to the construction of a six-storey residential building to the rear portion of the site. The height, scale and mass are less than the previous decisions of the Commission and it falls within the parameters that the Commission has established through determining planning applications on this site since 2017. The TPD did not have any objection to car parking regulations being waived in this instance, as the applicant is providing 14 bicycle spaces within the scheme, though they believe that the applicant should provide the full quota of 20.

CK said that the TPD definitely welcome the proposals for the site as it is considered to be a sensitive redevelopment and they hoped that the redevelopment of this site actually takes place after a number of false starts. The TPD recommended approval of this scheme and planning permission being granted subject to the specific conditions that have consistently been in place regarding the restoration of the front building and other conditions from the previous consent, including a traffic management plan to be submitted for the construction phase.

JH asked CAM how much record is actually taken of the building's history, so a careful record is made of everything that is going to be demolished, in order to allow this project to go ahead.

CAM confirmed that every building to the rear of the site had already been demolished as works have been carried out since 2017. CAM said that she went on site herself at the time but could not actually go into the buildings because they were dangerous and literally collapsing. CAM confirmed that they took a photographic record of what was there and accessible. She added that since the new Heritage Act and the requirement under the act for desk-based assessments, there are requirements for photographic records in place.

The Chairman recommended approval of the application.

The application was unanimously approved in line with the recommendations of the Town Planning Department.

**122/23 – O/18425/22 – Fortress House, 7/9 Cathedral Square -- Proposed refurbishment and redevelopment to provide an art gallery, children's art centre and restaurant.**

CK briefed the Commission on the history of the building and presented the application. The main points were:

- The proposed scheme basically forms two parts, the refurbishment, extensions and alterations to Fortress House and behind that on the rest of the site, the introduction of a part three storey and part four storey glazed modern extension.
- The proposal is looking to obtain outline planning permission to convert it from a single residential dwelling into a cultural and social hub.
- The cultural and social hub will include a three-story Art Gallery, an area for an artist in residence, a children's art centre, a high-end restaurant and café, and a rooftop sculptured garden.



- The design rationale for the project is basically to retain one of the key historic buildings in Gibraltar.
- The applicant has designed the scheme in order to provide a clear line between the old and new developments.
- On the west elevation, in terms of the refurbishment, it will involve the removal of internal partitions at ground and first floor levels and the construction of part additional stories on the western and northern part, which would try and retain the features of the building below.
- The incorporation of a traditional pitched roof.
- The replication of the existing veranda which is in a derelicts state and considered to be a key defining feature of the Fortress House property.
- In respect of the glazed modern extension, this will involve the demolition of the ancillary structures and the construction of a large-scale modern extension to the rear to provide the gallery space.
- Glazed extension includes a skin feature which is based on the diamond roof tiles that are on the existing building.
- An in-depth sustainability statement has been prepared by the applicant prepared by AMA.
- The applicant stated that at this stage, they indicated that they would be able to achieve an A rating regarding the energy standards.
- The applicant has also submitted an initial heritage study, but it is not a full heritage impact assessment. The applicant has confirmed their intention to retain numerous elements, which encapsulate the historical and architectural development of the application site.
- Some chimneys may have to be moved from their original position in order to accommodate the proposal. The intention is to group these together within the gallery.

CK said that the application has been subjected to public participation, which we did not receive any representations during this period. However, out of time representations were submitted by the rest of the surrounding residents. CK said that, subsequently, the applicant did submit the heritage impact study and the adjacent Windows study.

The objector raised concerns that the heritage study is not the complete heritage Impact Assessment.

The applicant said that the heritage studies submitted was sufficient at outline planning stage and had been agreed with the Ministry for Heritage. They confirmed that a full heritage impact assessment would be prepared and submitted in support of the full application.

CK summarized the consultee's comments:

The comments for the DOE regarding the sustainability statement are yet to be received, however, the Cleansing Superintendent has confirmed that they will need to discuss and be consulted by the applicant regarding refuge requirements for the project as it moves forward.

The GHT generally welcomed the concept of the conversion of Fortress House into a gallery space and cultural use but had various concerns on the details of the project and felt that the current facade treatments require further work, as do the definition of the materials and palettes proposed for this use. The main points were:

- They suggest that the transition from the old building to the new building is given a treatment that pulls inspiration from the veranda on the western facade rather than having a glass corridor interface as currently proposed.
- They consider that the balustrading and fenestration on the western facing veranda should use traditional materials.
- They consider that this glazed balcony terrace is unnecessary and that this element should be omitted from the scheme.
- They note that the building maintains much of its internal architectural features such as floor tiles, door and window panelling, door proportions and architraves.
- The main staircase will be repositioned, however, on site they question the possibility of retaining the smallest staircase that leads to the current roof.
- They know that there are a number of historical fireplaces in the building which should be retained in situ and consider the interpretation of Fortress House, its residence and its place in Gibraltar's history.

The Ministry for Heritage have confirmed that they are working closely with the applicant and they endorsed the approach and design as a proposed development in general terms. They noted that the cultural heritage study that has been submitted is useful, but they require a full heritage impact assessment to be prepared by a qualified independent person, to be submitted in support of the full application so that the Ministry can advise in respect of any mitigation measures that may be required.

The Ministry of Equality have raised some concerns regarding lack of toilets on the upper floors of the gallery, as well as accessible routes through the scheme that will need to be addressed.

The Ministry of Transport confirmed that they would require bicycle parking racks for staff and the provision of public bicycle racks for visitors to the complex.

The TSD have confirmed that they have no architectural or technical objections to the application.

CK presented the TPD's assessment and said that the existing building has important and unique heritage value and although it is not listed, it is one of the oldest remaining colonial properties in Gibraltar. He said that in addition to this, the site is located in the immediate vicinity of two listed buildings, so the impact of the proposed development on the existing site really does require careful consideration.

The TPD generally welcomed the proposals and did not have any objections to the reuse of Fortress House as a cultural and social hub, including an art gallery. In respect to the works to Fortress House, there are no objections to the principle of the refurbishment and additions to

the building including the single storey extension. CK said that the TPD noted the concerns of the GHT and consider that the scope of works in respect to the removal of internal partitions, should be discussed further and agreed with the GHT and the Ministry for Heritage during the detailed design process. He added that should the outline application be approved, there should also be some form of agreement of what internal design features should be retained within Fortress House to be submitted at that point.

The TPD also note the GHT's concerns regarding the balustrading and the fenestration on the western facade where they consider that the applicant should use timber and incorporate traditional railings as opposed to glazing on this element. The TPD noted their concerns regarding the balcony and also thought that this element should be removed.

In respect of the glazed extension, the TPD did not have any objection to the principle of a modern glazed extension, nor the scale, height or mass. The TPD had no in principle objection to a skin feature being utilized but felt that what was proposed is considered to be overly bold and it is not considered to particularly relate or integrate within Fortress House or the surrounding heritage sensitive environment.

The TPD also considers that the skin should not encroach onto the parapet glazing at roof level and that all glazed balustrading at roof level within the modern extension should remain clear. The TPD agreed with the comments of the GHT, that the interpretation of Fortress House, its residents and the place in Gibraltar's history should be a tangible part of the project and considered that these details should be progressed within the detailed design, should outline permission be obtained.

The TPD also noted the comments from the Ministry of heritage, that they have no objection for the scheme to progress from outline to full on the basis that the Heritage Impact Assessment is undertaken and submitted in support of any full application, and the comments from the Ministry of Equality regarding accessibility and suggest that the applicant liaises with them closely as any detailed design for projects on this site. The TPD welcome the sustainability and environmental information that has been submitted at this stage and did not have any objection to car parking requirements on this site being waived. In this instance, the site is close to public transport. The TPD thought that cycled parking should be provided for visitors and staff.

CK said that on the basis that the points raised in the assessment form conditions on an outline planning permission, the TPD would recommend that the Commission does grant outline planning permission for the scheme that has been presented.

JH asked why the building is not listed. She said that it is one of our most important buildings and a lot of care has to be taken about it now. JH questioned that if the building were listed, what effect it could have on being able to do anything to it or to anything around it. JH also asked what the terms be for such a kind of altruistic venture which are great and welcomed. JH asked whether it would be privately run as a business and how viable it was. JH referred to a slide shown on screen and said that the through road for taxis from Bristol and Cathedral Square itself was misrepresented.

The Chairman said that the situation that we have today is that it is not listed. The Chairman said that even when a property is listed, it is not a blanket restriction on what can be done.

Ruth Massias (RM) said that their client is an art enthusiast and he is passionate about contemporary art and believed that the proposal will have a fantastic positive impact for Gibraltar. RM said that the historic nature of the project was at the forefront when designing the project, which is why they kept the existing building elements of it pretty much as it is.

JH said that there was mention of a restaurant, and obviously this gallery. JH asked if the restaurant would help the project pay for itself.

RM said that potentially, there might be some ventures to help the project be self-sufficient, but the main focus is wanting to bring a passion for contemporary art to the public, especially the younger generation.

A discussion ensued regarding the access road and the result was that there is still more work to be done to as it will mostly be accessed from a pedestrian point of view. Mention was made of the possible integration of cycle racks.

GM asked CK and RM to clarify whether there is a need for the full extent of the blue diamond shape screen, after the removal of the ramp access.

RM said that it could be lowered not to encompass the balustrade area. RM said that the project needs to have a contemporary statement and it is her belief that when you have a heritage asset, we should extend in a way which speaks of our times as well.

MESCE explained that the majority of buildings that are listed under the initial Heritage and Antiquities Act are not in private hands with the exception of places of worship. He said that the Heritage Antiquities Council is going through a list of private buildings and should see developments soon. MESCE said that this is the kind of development however, that the Heritage and Antiquities Council would consider, and it is likely that Heritage licence would be issued because the heritage integrity of the building is being maintained.

MESCE said that the fact that this developer is investing in a cultural facility is incredible, and thought the proposal really brings some exciting cultural activity into the heart of town together with the fact that there is a private exhibition centre of high-quality contemporary art which is great for Gibraltar residents and for visitors. MESCE said that they have been in close contact with the applicant and can confirm that it will be privately run but there will be a great deal of cooperation with the Ministry of Culture and Gibraltar Cultural Services. MESCE added that the other main element, which is the Children's Education Centre, will talk to the schools and thought that this is absolutely wonderful, really exciting project.

MESCE said that there is still work to be done but can be picked up as the application progresses to full planning. MESCE added his usual comments about the use of glass balustrades in town and area and the integration of swift nests into the new structure. MESCE said that this outline design is something that he thought that the Commission should support.

CAM said that the reality is that they have to take a decision on the building the way it is there, within the context and the parameters and variables that they have in front of them. CAM referred in particular to the comments regarding the extension at the back. CAM asked whether the materials to be used had been given enough thought or whether there was a way of softening it. CAM said that she knows that there has to be some sort of contrast between the old and the new and the intention behind it is for a sort of light generating principle. CAM said that the way it stands at the moment poses quite a stark difference and suggested there is a way of transitioning it or softening it perhaps with integration of more greenery.

RM said that she agreed with CAM's comments where this is a great opportunity to showcase our heritage and the heritage of this building to the public. RM said that CAM's suggestions were great, integrating some additional greenery and looking to see how they can perhaps transition some of the facade elements whilst retaining the fact that it is a contemporary art gallery.

The Chairman said that the TPD is supportive of the contemporary approach and thought that it is just in the detailing. The TPD very much welcome engagement with the architect, if outline permission is granted, to engage with the architects and client, together with the Ministry for Heritage, GHT.

JH referred to the proposed style and was concerned that it might sets a precedent in the town. JH added that they have to be careful and will appreciate the use of caution there.

CAM said that in terms of the full heritage assessments, they know that the desk-based assessment is pending. CAM said that there probably will not be elements in there that will be highlighted during the research process that will require or add to the story of what can be captured within the building and brought out. CAM said that the desk-based assessment is a very important part of the design process and you should get it done as soon as possible in order to be able to inform your full planning application.

The Chairman moved to take a decision with the recommendation being to approve the application subject to those conditions.

The Outline application was approved in line with the recommendations made by the TPD.

**123/23 – MA/18481/22 – Europa Business Centre and Old Power Station, Chimney Corner, Dockyard -- Proposed refurbishment of three areas of the dockyard for use as workshops and storage.**

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

- ***increase of the three heights between slabs;***
- ***extension of slab area at mezzanine level in AADS Building;***
- ***incorporation of a new staircore;***
- ***removal of the double height in the entrance area;***
- ***incorporation of a plant room on ground floor and a chimney;***

- **ventilation chimneys through the roof now added as well as paint booth ventilation;**
- **general layout re-arranged in PFC building;**
- **floor area increased due to new offices floor proposal;**
- **annex building now fully maintained keeping first floor level shape cantilever; and**
- **three of the existing openings located in the external wall to be reused for windows.**

**Consideration of proposed branding totems to Discharge Condition 9 of Supplemental Planning Permission 8272A.**

The Chairman said that the applicants were in the meeting and were going to address the Commission. The Chairman said that this application is purely in relation to the signage being proposed at the new facilities at Dockyard Road.

CK explained that on the 22<sup>nd</sup> of June, the applicant submitted a proposal for one 8.1 x 2.5 meter branded totem. CK said that the TPD and the heritage bodies had concerns that eight meters was far too tall and would screen the historic building to the rear. CK said the applicant has now submitted a revised proposal which they are going to present.

Dianne Vallejo (DV) presented the application and the main points were:

- DV said that they have considered as much as possible, the heritage of the site, but explained that they are in a position where they have contractual obligations with 16 brands. Their attempt to mark out to the public and showcase what they do as a retail business is already a sensitive topic because the brands normally would require them to have one meter by one-meter signs on the facade of the building.
- They have looked at other solutions because of the heritage aspects.
- DV said that upon arrival at their premises, Queensway starts to look a little bit shoddy as there are pallets, corrugated buildings, derelict boats and containers that have been forgotten about. DV said that their aim has been to beautify and regenerate the area as much as possible.
- The design of the new totems is of very conservative heights at 2.5 meters, the heritage buildings behind are 11 meters high and DV said that they were conscious that they wanted to showcase the buildings as well. Each totem are about four meters from each other and this is interspersed with trees and greenery.
- The structure of the totems are a weather resistant light aluminium type and they have gone for a homogeneous look.
- DV referred to slides shown on screen to demonstrate the overall effects that they were aiming for. DV said that it remains quite an open space but the totems are also protective of customer's vehicles in the carpark directly behind them.
- DV said that Bassadone Motors are supportive of the industrial heritage value of the area.

DV summarized by saying that the currently fenced off area, will be significantly opened up to showcase the wonderful historic buildings in the background with a lot of permeability. The totems are also angled to further increase permeability. DV wished to add that the length of the project should also be taken into consideration.

JH said that Bassadone is doing a great job at the Dockyard site. JH referred to the image shown on screen (Dockyard Road) and said that it did not describe the situation or what it would look like. JH described the state of the pavement on the opposite road and concurred with DV's earlier comments. JH said that she would prefer to see the image as it is together with the proposal.

The design team said that they noted JH's comment. They said that if they had showed this image cropped and not shown the left hand side of the road, it would still look good and thought that the totems, which is the element that they are focusing on, work as far as permeability to the historic buildings, which was their aim.

CAM said that they understand that the applicant has got contractual obligations, but said that, by the way that the totems are angled, you have permeability, when looking straight on at the building but coming down the avenue, the angles visually clump together and looks like a wall. CAM asked the applicant if this could be addressed by not having them as tall. She suggested the reduction in height on the silver pedestal in order to keep the logo dimensions.

A discussion ensued regarding the height of the totems. The result was that the totems were being kept at 2.5 meters height in order to meet contractual obligations.

CK If there are no more questions, and Chris will carry on with his report, and then we'll open up for any other comments.

CK summarized the comments from the consultees:

The Director of Civil Aviation (DCA) has confirmed that there are no aeronautical objections.

The GHT had some concerns which CAM has covered in their questions.

The Ministry of Heritage has confirmed that they have no concerns with the proposal and although the totems might seem large, they improve pedestrian space as it would enhance the area substantially. They also favour the placing of industrial heritage pieces for all to see alongside landscaped area, and overall has a positive impact on an industrialized zone which is needed for facelift. The Ministry of Heritage raised a point in relation to the placing of those heritage items and that was that the contractor logos on them are rather large and could actually detract from the heritage item being placed on display.

The TSD confirmed that they had no objections to the placing of the totems.

CK presented the TPD's planning report.

CK said that the TPD understands the applicant's branding requirements from a planning perspective but consider that the placing of 16 totems along what is effectively an 80-meter stretch of road represent a proliferation of signage, which would be visually detrimental and will also act as a distraction to drivers in the area.

CK said that there is guidance in the design guides for the old town that can be equally applied elsewhere in Gibraltar, which seeks to avoid a proliferation of signage. CK also referred to GDS 19 which confirms that advertisements should be appropriate to their surroundings in terms of scale, and also in respect of the architectural qualities of a building on which they are located.

The TPD does not particularly consider that the amount of signage which is being proposed, in terms of branded third-party signage, particularly complies with those requirements and the proposal for 16 signs on a stretch of road is not something with the TPD wants to encourage. CK said that whilst the TPD noted the applicant's commitment to beautifying the area they consider that this proposal would contradict the aims of opening up this area and beautifying it.

CK said that in respect of the industrial heritage items, the TPD agrees with the point that the GHT has raised and considered that those applicant or contractor logos on those pieces that are envisaged should be significantly smaller so that the main emphasis is on the heritage aspect of those items being displayed.

The Chairman said that the recommendation from the TPD is not to allow the total of 16 totems as proposed at the moment, and suggested two alternatives, one of which is to place a directory sign, which would be lower and wider on the corner plot advertising the brands, or alternatively, possible reducing it to say about four totems, with all the brands distributed across those.

The Chairman understood the situation the applicant was in and the requirements that may be imposed on them but the Commission is not dictated to buy corporate requirements. The Chairman said that the application is there to determine what is best for the particular site, so the members should not feel as though they are bound by any obligation on behalf of the applicant.

MESCE said that it is great to see greenery there and thought that they could improve it by having a few more trees. MESCE said that perhaps the applicant can contribute in some way by adding a bicycle lane, or as part of their scheme, mitigate the effects of the use of cars.

MHEYS concurred with the comments made by MESCE and also said that the applicant should introduce a bicycle lane.

The Chairman said that he did not disagree with the comments made by the ministers at all, but this is actually discharging a condition about signage only.

The Chairman said that the recommendation then effectively is to defer the application to allow the applicants to consider the options being put forward by the TPD, which is the alternative advertising scheme.

Martin Figueras for the Bassadone team wished to add that they are in close and active discussions with the Government to precisely address pavements and issues like street



lighting. He said that matter has not progressed at the moment because of pending major infrastructure works along the road related to the new sewage infrastructure. The application was deferred to allow the applicant to consider other options.

**124/23 – MA/18563/22 – 6 – 12 Cannon Lane -- Proposed five storey retail/office building comprising open plan retail space at ground and first floor level and office space at second, third & fourth floor levels.**

***Consideration of retrospective Minor Amendments including:***

- ***omission of access hatch and construction of stair and lift access cores;***
- ***omission of HVAC equipment at roof level;***
- ***minor change in height between approved scheme and building built on site to allow for stair and lift access cores; and***
- ***conversion of vacant area at the top of secondary stair-core into a shower/toilet facility (works yet to be implemented).***

CK presented the application and these were the main points:

- previous approval for the construction of a five-storey building with roof terrace consisting commercial at ground floor with offices above.
- Under the planning approval, access to the roof terrace was permitted to be via access hatches.
- Retrospective minor amendment has been submitted for changes to the building that had been made during the construction process. These include the omission of access hatches, as was supposed to be built and the construction of a stair and lift access.
- There has also been the omission of the plant equipment from part of the roof.
- There has been a minor change in the height between the approved scheme and the building constructed on the site to allow for the stair and lift access cores. This means that the height of the building as built, against what was approved, is a difference of 15 centimetres.
- The approved height of the building was 21.47 meters and the as built height is 21.62 meters. The other effect of this reduction in the height of the floor to ceiling heights within the construction process has been that the balustrading, which was supposed to be half a meter higher, has been reduced by half a meter and is now lower on the building facade.
- There is a minor conversion of a vacant area at the top of the secondary staircase into a shower toilet facility.

CK said that there are some views of what has been built, and from a longer distance, you can see the impact of where it has been on the cathedral behind. The minor amounts have been consulted on and the Ministry of Heritage confirm they have no heritage concerns and the DOE and TSD confirmed that there are no objections.

CK said that in terms of the TPD planning assessment, they are disappointed that these works have taken place without the necessary minor amendment being submitted at the time and planning permission being obtained. CK added that the process really should not work this way and this really should be seen as a lesson to other developers that there can be changes during

the construction process and minor amendments need to be submitted in advance of those changes taking place.

CK said that in terms of the heights, it is half a meter lower across and fortunately, that means that the height of this building is only 15 centimetres higher than what was approved and could have had a far more serious impact. He said that the process really should not happen this way, and they cannot stress that enough. The TPD recommended the approval of the retrospective application.

The minor amendment 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).**

**125/23 – F/18580/22 – Kiosk 1, 156 Main Street -- Proposed refurbishment of kiosk WITH shading umbrellas and tables and chairs.**

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

The application was deferred by request of the applicant.

**126/23 – F/18586/22 – 25 Admiral's Place, Naval Hospital Road -- Proposed construction of an extension to the existing dwelling.**

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

This application was approved.

**126/23 – F/18679/23G – Gibraltar College, South Bastion, Line Wall Road -- Proposed installation of temporary outdoor classrooms/facilities extensions.**

### ***GoG Application***

CAM referred to the temporary classrooms at South Bastion and sought clarification on the location as South Bastion is a listed monument, and it probably will require heritage license.

CK referred to the images shown on screen and briefed the Commission.

CAM stated that the porta cabins were quite substantial for temporary classroom and asked about the foundations they need and whether that needs to be looked at by the Heritage & Antiquities Council.

CK confirmed the use of a light gauge steel system with an external composite system.

MESCE said that these are lightweight, temporary buildings and the idea is that the college annex has to be moved from the Macintosh Hall for two reasons. One is the National Theatre Project, but also the fact that there are some structural issues that that need to be addressed. These will be addressed with the new college project.

MESCE said that the new college project is due to come to planning, in a couple of months' time and if that goes ahead, the expected build of the college side is approximately 18 to 24 months, so this is short term. MESCE said that it is not on the Bastion itself, so it is not encroaching on the actual historic walls in any way.

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.**

**127/23 – F/18360/22 – Park View, 21 Queensway -- Proposed installation of automatic barrier gates, external signage and associated items.**

**128/23 – F/18499/22 – 11/4 Tuckey's Lane -- Retrospective application for change of windows in property.**

**129/23 – F/18511/22 – 92 Irish Town -- Proposed change of use of the top floor from office (Class A2) to two x one bedroom flats (Class C3).**

**130/23 – F/18562/22 – Flat 1, 1 King Street -- Proposed refurbishment including installation of external extraction fans.**

**131/23 – F/18566/22 – Flat 3, 62 Governor's Street -- Proposed replacement of timber sash windows with white aluminum hinged windows.**

**132/23 – F/18594/23 – 40 Ragged Staff Wharf, Queensway Quay -- Retrospective application for the installation of glass curtains.**

**133/23 – F/18614/23 – Office Unit, First Floor, 244 Main Street -- Proposed 'temporary' change of use for a nine month period" from office (Class A2) to residential use (Class C3), to enable structural repair works to roof of building.**

**134/23 – F/18619/23 – 3/1 Richardson's Passage -- Proposed replacement of internal well windows with glass doors.**

**135/23 – F/18645/23 – 4 Morello's Ramp -- Proposed minor alterations and refurbishment of apartment premises including installation of air conditioning units.**

**136/23 – F/18652/23 – Apartment 4, Quay 31, King's Wharf -- Proposed installation of awnings.**

**137/23 – F/18664/23 – 2 Park View House, Queensway -- Proposed internal alterations, enclosure of balcony, change of rear door to terrace and creation of a fire exit within the railings within the rear patio.**

**138/23 – Any other business**

There was no other business.

The meeting concluded and the next meeting was scheduled for 29<sup>th</sup> June.

**Chris Key**

**Secretary to the**

**Development and Planning Commission**