

THE DEVELOPMENT AND PLANNING COMMISSION

AGENDA

Minutes for the 7th meeting of 2023 held remotely via video conferencing on 29th June 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)

The Hon P Balban (MT)*
(Minister for Transport)

Mr H Montado (HM)*
(Chief Technical Officer)

Mr E Hermida (EH)*
(Chief Executive)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

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 P Cosquieri (DF)
(Town Planning Assessment)

Mrs L Gonzalez

(Minutes Secretary)

Apologies:

The Hon Dr J Garcia
(Deputy Chief Minister)

Dr K Bensusan
(Gibraltar Ornithological & Natural History
Society)

**Members present at different times and referred to in
the minutes*

Approval of Minutes

139/23 - Approval of Minutes of the 4th meeting of 2023 held on 23rd March 2023, approval of the Minutes of the 5th meeting of 2023 held on 26th April 2023 and approval of the Minutes of the 6th meeting of 2023 held on 18th May 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 approved subject to any comments from JH. The minutes of the 6th meeting of 2023 held on 18th May 2023 were not ready, so approval of these minutes was deferred.

Matters Arising

None

Major Developments

140/23 - F/18637/23 - 17 - 19 Devil's Tower Road and 5 Forbes Road -- Proposed construction of mixed used development comprising commercial, storage, car parking, residential accommodation and ancillary uses.

141/23 - D/18636/23 - 17 - 19 Devil's Tower Road and 5 Forbes Road -- Proposed demolition of buildings.

CK confirmed that on a procedural note, two applications were being considered by the Commission, a full application and an associated demolition application, and that there had been representations in respect of both applications so in the interests of fairness, both applications would need to be determined by the Commission one after another.

CK confirmed that the full application followed on from an outline application which had been approved by the Commission in October 2022 and which had been subject to a number of conditions which required comprehensive design development including:

- the reduction of the height of the building so that it dropped by at least two stories in height from East to West across the site;
- provision of a minimum setback of 5 m of the east façade of the building from North View Terraces (NVT) from first floor and above;
- introduction of a green landscaped wall on the three-storey blank wall on the east façade of the building facing NVT;
- ensuring that any overhanging balconies did not project beyond the application site boundary; as well as
- other conditions requiring technical reports and compliance with the car parking regulations except for studios and 40% of car parking spaces to have Electric Vehicle Charging Points (EVCPs).

CK confirmed that there was also a condition of the Outline Planning Permission (OPP) requiring that the full application would be subject to Public Participation as a result of the substantive design changes required to the scheme submitted for outline planning.

CK provided a summary of the scheme confirming that the applicant was applying for a 47m high building comprising 153 residential units including a mix of studios and one – four-

bedroom apartments as well as two x commercial units at ground floor level and parking at basement and first floor level.

CK set out the changes between the two schemes and how the detailed design had developed including:

- a transition from one to three setbacks within the top floors of the buildings;
- a 5m setback at first floor level, increasing to a 7m setback at second to ninth floor level and an 8m setback from tenth floor above between NVT and the east elevation of the building;
- a reduction of 12.5% of the overall building area;
- same amount of residential accommodation;
- an extended basement car parking level;
- introduction of additional planting and green walls;
- a change from Juliet balconies on the eastern elevation to the provision of projecting balconies from second to ninth floors with recessed balconies provided from tenth to fifteenth floors;
- confirmation that there would be no overhanging balconies on Devil's Tower Road (DTR);
- provision of 59 car parking spaces, 35 motorcycle space and 50 bicycle spaces in compliance with the Car Parking Regulations as well as provision of six x public cycle spaces and five x public motorcycle spaces as well as five x commercial motorcycle spaces and additional motorcycle parking;
- confirmation that 40% of car parking spaces would have active EVCPs;
- confirmation that following the submission of revised calculations the building would meet NZEB standards through the incorporation of air-to-air heat pumps, air to water heat pumps, solar roof tiles, gray water recycling and use of shower water heat recovery units.

CK confirmed that in respect of the demolition application, the applicant was seeking permission to demolish three buildings – the former Coviran building, the ANES building and the ex-Sacarello Premises, which are currently located on the site.

CK confirmed that a Demolition Method Statement (DMS) had been submitted which confirmed that a phased demolition would take place. Demolition would commence with the ex-Sacarello building which would be demolished to ground floor slab and foundations and would be subsequently used to provide access and egress to the site. This would be followed by the dismantling of the Coviran building including the removal of the east gable wall adjoining NVT to terrace/balcony level of the adjacent property, and finally the demolition of the ANES building for which it is proposed to require the temporary closure of one lane of eastbound traffic of DTR during a weekend.

CK noted that the proposed working hours for the demolition were 08.00 – 18.00 Monday to Friday and 10.00 – 18.00 Saturday and Sunday.

CK reconfirmed that the full application had been subject to public participation and notice of the application had also been served on the Management Company for NVT and that eight sets of representations had been received including the MC and residents of NVT.

CK confirmed that in respect of the demolition application, notice had been served on the Management Company and five days Public Participation as is legally required and that eight sets of representations had been received from the MC and residents of NVT .

CK confirmed that four objectors had requested to address the Commission, three in relation to the full application and two in respect on the demolition application. The Chairman invited each of the objectors to address the Commission.

Carri Anne Looseley (CAL) on behalf of Maria Tibbs raised several points including:

- safety of residents whilst works are carried out;
- noise pollution during construction;
- the risk of debris falling onto NVT
- concerns regarding ground stability and drainage during construction; and
- security and safety risks if there was a requirement for the applicant to use scaffolding within NVT to undertake the dismantling of the Coviran warehouse.

Leo Fazzi said that with regards to working on the weekends, this was a time for family and using the courtyard would not be safe during the demolition, that this would result in pollution and debris and agreed with the points CAL raised. Leo Fazzi also raised concerns that the projecting balconies within the new development would result in overlooking and a loss of privacy to the residents of NVT.

Mr James Kent (JK) objected to works being undertaken at weekends, the height of the proposed developments, as well as raising concerns regarding the stability of walls during demolition and piling for the new development.

Mr Eugene Pons (EP) referred to the Coviran and Sacarello plots being overrun with pests and how would this be dealt with to avoid these pests coming into North View Terrace during the demolition works. He agreed with the points raised by the other objectors regarding dust, stability etc. and sought a reduction of working hours and less work during weekends.

The Chairman invited Stephen Martinez (SM), the agent representing the applicant to address the Commission.

SM stated that in respect of the projecting balconies, the Regulations only require a 2m setback and that the balconies would be a distance of 5m from NVT. SM confirmed that demolition works would mostly be done during the week except the demolition of the ANES building which would be done during a weekend as it would require the closure of one of the lanes of DTR . SM also confirmed that a condition survey can be carried out to check the structure of NVTs if this is a concern from neighbours and that protection will be in place for residents and pedestrians during the demolition and construction phase of the development.

Jack Noble (JN) went on to talk about the demolition and how activities that will be carried out are safe, regarding dust, pollution etc.

GM referred to the residential Anes building and said if this will be demolished it will have the effect of a lane being cutoff at weekends on DTR and asked if the Anes building could be dismantled in the same way as the Coviran Warehouse to avoid any disruption to DTR.

SM responded by stating that the Coviran Warehouse was of a steel frame and can be unbolted or cut off and the Anes building is concrete and cannot be demolished in the same way.

GM said he would rather see it dismantled at a higher cost to the developer than to have DTR disrupted during this demolition.

JN said they would be willing to sit down with the Ministry of Transport and define a better way of demolishing the building and timing if they would be happy to do so.

JH said this was a major site to be demolished and asked if there would be a Construction Management Plan and asked if there could be a regular contact set up between the contractors and residents.

SM confirmed that there will be a liaison officer and are aiming at only having one contractor so that there is more control on site.

JN said there could be regular meeting with the residents for their reassurance and JH said this would be very important.

MHEYS said there was a Government Policy for DTR and he hoped that these policies are being followed.

CK presented a summary of the consultee feedback on the full application:

- DCA – confirmed that they had no objections subject to aeronautical conditions relating to physical safeguarding, reflective glare, bird hazard management, FOD management, cranes and piling rigs;
- DoE – confirmed that prior to the submission of the additional information the NZEB rating predicted had not been met for the residential building and that they would need to review and clear the additional information prior to a Planning Permission being issued. DOE welcome the provision of EVCPs in the scheme as well as the incorporation of gray water recycling, confirm that they require a Construction Environmental Management Plan (CEMP) to be submitted for approval as well as require the applicant to undertake a Geotechnical Study of the development's footprint ahead of construction, in order to assess underground conditions and ground water conditions from a chemical and geological perspective and confirm that any dewatering will require a discharge permit
- MfH – confirm that they have no objection to architectural design and no objection to development, however they require an Archaeological Watching Brief (AWB) to be undertaken; and
- No comments received from the GHT, LPS, MoE, MoT, WHO, TSD.

CK presented a summary of the consultee feedback on the demolition application:

- DOE – confirmed that they have no objections, however, require bat and swift survey to be undertaken prior to works commencing;
- MfH – confirm they had no objection to the proposed demolitions;

- TSD - confirm that they had no objections to the proposed demolition, however stressed that the applicant would need to apply for a permit from them to close DTR if essential works required; and
- TC - confirm that they have no objections.
- No comments received from GHT, LPS, MoT or WHO

CK said that in respect of the Town Planning Departments (TPD's) assessment of the full application that they welcome that the applicant had engaged with Town Planning through pre-application discussions and that they were satisfied that the scheme has evolved and had generally addressed the concerns the TPD had with the outline application.

CK noted that the TPD consider that the changes made to the development were meaningful and considered that they have improved the design of the development and that whilst a satisfactory setback between NVT and the eastern façade of the building was proposed, the TPD acknowledged the comments made by the objectors regarding the projecting balconies proposed on the 2nd - 9th floors on the east elevation and considered that these would raise amenity issues. In view of this, the TPD recommend that these are omitted from the development and replaced with Juliet balconies or that the balconies are recessed into the scheme as is proposed for the balconies from 10th floor and above.

CK noted that if the applicant prefers to revert back to Juliet balconies, then a solution regarding air conditioning units will also need to be submitted for approval as the TPD would not accept air conditioning units being placed on the façade of the building.

CK also confirmed that the TPD acknowledge the objector's concerns regarding noise and consider that piling and foundation works should be restricted to 08.00 to 18.00 Monday to Friday, 10.00 -14.00 Saturday and no piling or excavation works on Sundays and Bank Holidays as the Commission applied in respect of the Forbes development. Once substructure works have been completed, then the working hours should revert back to standard hours (i.e. 08.00 to 20.00 Monday to Friday).

CK recommended that the Commission should approve the application subject to revised EPC calculations being cleared by the DOE prior to a Planning Permission being issued and revised plans being submitted removing projecting balconies and either, providing recessed balconies as per upper levels, or providing Juliet balconies. CK suggested that the revised plans could be determined at Subcommittee level and if the applicant submits plans that comply with the recommendations of the TPD a Planning Permission can subsequently be issued which would include conditions relating to:

- the aeronautical requirements specified by DCA;
- the submission of a CEMP;
- the submission of a Geotechnical study;
- bespoke noise hours restricting piling works to between 08.00 to 18.00 Monday to Friday and 10.00 to 14.00 on Saturdays and no works on Sundays and Bank Holidays, and reverting to 08.00 to 20.00 Monday to Friday, 10.00 to 14.00 on Saturdays and no works on Sundays and Bank Holidays, once the substructure had been completed;
- any dewatering requiring a licence;
- an AWB;

- relevant conditions from OPP being transposed and updated accordingly;
- other standard conditions.

CK said that in respect of the Town Planning Departments (TPD's) assessment of the demolition application that they had no in principle objections to the demolition.

CK noted that the applicants acknowledge they will require consent from North View Terrace to erect scaffolding on their site and that they have offered to undertake a pre-construction survey of properties and that the TPD are encouraged by this although these are not planning matters and cannot be conditioned.

CK also set out that the applicant will need to apply to TSD to obtain approval to close one lane of DTR to undertake demolition of ANES building and this will form a condition on the Demolition Permission should the Commission resolve to approve the application.

CK also noted that bat and swift survey had been undertaken and submitted in support of the full application and that these confirm that there are no bats or swifts on the site.

CK also set out that the TPD acknowledged the concerns raised by residents regarding hours of works and that it is advised that demolition works should be restricted to 08.00 to 18.00 Monday to Friday, 10.00 – 14.00 Saturday and no demolition works on Sundays and Bank Holidays as Commission applied in respect of the Forbes development.

CK recommended that the TPD recommends that the Commission approves the demolition application subject to the amended working hours condition as well as the condition requiring access to Forbes Road to be maintained during works.

The Chairman recapped the assessments presented by CK and asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

EP raised concerns on regarding the loss of the existing parking area behind NVT and the Chairman said the contractor is to carry on storage etc. on their own site. SM confirmed the car park will not be affected.

JH referred to DTR policy and the tapering of heights down to Laguna Estate and referred to the multi storey car park in DTR and how this should come down to nine storeys, as well as a cumulative plan for main construction works which will affect transport. JH stated that she would object to the application.

The Chairman said part of this had been addressed by tapering part of the building on the west side and they have addressed the conditions set by the Commission in determining the outline application. In respect of the transport plan, there would be a condition for the applicant to submit a CEMP which would need to address transport issues.

CAM referred to the same points that JH had made. Whilst she acknowledged that the changes made by the applicant had addressed some of the issues she had concerns on how the slope would be achieved in respect of the policy for DTR.

MEHEYS said he still had concerns on the policy and said if there are concerns on the policy in relation to the project, he said he would vote against.

The Chairman said the view of the TPD is that the proposal complies with it through the changes made to reduce the height of the building across the site.

The Chairman moved to take a vote and reminded the Commission that the recommendation was to approve the application subject to revised EPC calculations being cleared by the DOE prior to a Planning Permission being issued and revised plans being submitted removing projecting balconies and either, providing recessed balconies as per upper levels, or providing Juliet balconies, as well as other conditions.

In favor - 6

Against - 3

Abstention - 0

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

MEHEYS said he wanted a record on the minutes that he had voted in favor after taking the TPD's confirmation that its view was that the development had met the HM GoG policy for DTR.

141/23 - D/18636/23 - 17 - 19 Devil's Tower Road and 5 Forbes Road -- Proposed demolition of buildings.

The Chairman recommended the approval of the demolition application subject to the conditions set out in the TPD's report.

The Commission unanimously approved the Demolition application in line with the recommendations of the TPD.

MT joined the meeting.

142/23 - O/18665/23 - 9-15 Bayside Road -- Proposed construction of a mixed-use development to include residential, retail and commercial facilities and car parking spaces and amenities.

CK introduced this item confirming that a DPC Paper including copies of the representations and counter representations received in respect of the application had been circulated to members and confirmed that the applicant's team would be presenting the scheme.

Pietro Bagnoli (PB) and Sara Mendez Roldan (SMR) presented the proposed scheme confirming that was for a mixed used development including residential, retail and commercial facilities as well as car parking spaces and amenities and setting out the design rationale for the project including one of the key aspects, the provision of a new piazza. The applicant's team also confirmed that the application had been supported by a Townscape and Visual

Impact Appraisal as well as a preliminary Traffic Impact Appraisal and a preliminary Cultural Heritage DBA and provided an overview of the findings of these studies.

The Chairman asked the Members if they had any questions for the applicant's team at this stage.

JH commented that the presentation showed positive aspects to the development and noted that residents of a nearby block of flats had objected to the proximity and height of the development. JH went on to note that she considered that there had been a lot of consideration on setback, views etc. but there were still a lot of concerned residents and that the excavation for the underground parking was also a concern for nearby residents.

Stephen Orciel (SO), on behalf of the applicants, responded to JH and said they didn't know the exact impact of the excavation for the underground parking, and this would come with the next stages of the development, however, he noted that there is a gap in excess of the requirements between the existing building and the new build. Whilst excavation will disrupt residents, the contractors will present a CEMP in support of the full planning application to show how the construction impacts will be minimised and mitigated.

GM asked for clarification as the applicant had said they could not commit to whether they would be able to construct underground parking and if this was not feasible, they would have to revert to a podium. GM asked if a podium had to be built whether this would affect the piazza that has been proposed.

SO answered GM and said they were conducting limited soil investigations which would give them clearer indication of ground conditions and would inform this aspect of the development. GM said the undertaking of the soil investigations should take precedence.

SO confirmed that if the basement parking had to be omitted a new application would be required.

MT noted the use of "cobblestones" and referred to accessibility and difficulty for wheelchairs etc. MT asked whether there would be bicycle parking within the parking area and if the ones provided for already were for visitors. MT asked if there would be a Construction Traffic Management Plan.

PB answered MT and said the paving could be looked into as this was only an initial proposal. Parking would be provided in the basement, and that a Traffic Management Plan would be undertaken as the detailed design of the scheme progresses.

CK confirmed that the application had been subject to Public Participation and that two sets of representations had been received.

The Chairman invited Mr Lee Riccio (LR) to address the Commission, however, he had not joined the meeting so the Chairman subsequently invited Mr James Oton (JO) to address the Commission.

JO said that the residents of Ocean Spa Plaza (OSP) had concerns with the distance from Building D from the OSP and the height of the new build.

SO responded to JO and said the distance of 10m is at ground level however this increases to 12m with the setbacks provided on the upper levels of this building.

CK presented a summary of the consultee feedback on the outline application:

- DCA - confirm they are content for OPP to be granted subject to an Aeronautical study being submitted in support of the full planning application which will need to include:
 - a Wind Study Report of the impact of the final design on aircraft approaches from the East and West; and
 - a Solar Glare Hazard Analysis Study if solar panels are included in the design.

DCA also commented that the plans submitted in support of the Outline Application indicate a significant breach of the 'Transitional Obstacle Limitation Surface', which means that unless a robust safety argument supporting the infringement is included in the Aeronautical Study, then there is a risk that the Aerodrome Operator will not support the development when presented for final planning permission;

- MoE - raised concerns regarding the loss of parking along Bayside Road including three x accessible parking bays which will mean that amenities in the area (especially sports facilities) will be less accessible to people with disabilities;
- MfH - confirm that they have no objections to proposed development, however they require a Cultural Heritage Desk Based Assessment to be submitted in support of full application in accordance with agreed scope set out in the preliminary CHDBA;
- TSD - confirm that they have no technical objections, however the applicant is to liaise with Infrastructure Section and Highways Section with regards to wastewater strategy and vehicular access and egress respectively. TSD also confirm that the applicant will require a clear waste management strategy in place prior to works commencing; and set out a number of technical requirements which will form part of the Informative on the Outline Planning Permission should the application be approved by the Commission;
- TC - raised concerns regarding the number of vehicles accessing and egressing the site and that this should be reconsidered so vehicles egress onto Bayside Road and not through Glacis Estate as currently proposed. Consider that public parking to be lost on Bayside Road including disabled bays, should be re-provided by the applicant either within the scheme or nearby;
- No comments received from DOE, GHT, LPS and MoT.

CK said that in respect of the TPD's assessment of the application, that this is a large brownfield and underutilised site, which is currently rundown and is a prime site for redevelopment when it is finally vacated and that the TPD welcomed a mixed-use development on the site.

CK confirmed that they were encouraged by the applicant's concept for the proposed development to create a fragmented massing with stepped solutions on the upper levels with a permeable and curved facade across the six buildings to provide a relationship with the wider landscape, as well as the formation of a new collective space for Gibraltar through providing appropriate setbacks at the perimeter of the site and the provision of a new concave and elongated piazza with urban connections and active frontages across the site.

CK commented that whilst from a planning perspective the curved facades of the upper portions of the buildings may seem at odds with the geometric and rectangular form of surrounding buildings in the immediate area, design is a subjective matter, and having reviewed the TVIA in detail, the TPD tend to agree with the findings of this report and consider that this novel design approach would reduce the perceived mass and volume of the proposed development, especially in views towards the Rock of Gibraltar, and would also help to reduce its prominence.

CK confirmed that the TPD had no objection to the height, massing or scale of the proposed blocks or where they are positioned on the site, however, the TPD note the comments received from the DCA in respect of 'Building D' and that if the heights breach the 'Transitional Obstacle Limitation Surface' in the detailed design of the development a robust safety argument supporting the infringement will need to be submitted and this would need to be approved by the Aerodrome Operator during consideration of the full planning application.

CK went on to state that the TPD note that the TVIA submitted in support of the application clearly shows that from medium to longer distance views, the proposed height, mass and scale of the development is considered to assimilate well between existing and committed developments in the surrounding area and that the substantive landscaping proposals throughout the scheme help it to integrate with the Rock of Gibraltar.

CK also noted that the TPD appreciates the efforts that the applicant has made to change the design aesthetic of the ground floor retail frontages from what was presented during pre-application discussions to something which integrates well, and it no longer is at odds with the office and residential element of the buildings.

CK noted that the proposed development will result in the loss of on-street parking including three x accessible spaces, however, the TPD welcomes the applicant's intention to incorporate these spaces within the car parking to be provided within the development and acknowledge that proposed parking for the development is in excess of the requirements set out in the Car Parking Regulations.

CK stated that the TPD acknowledge the concerns raised by the Traffic Commission regarding number of vehicles accessing and egressing the site and that this should be reconsidered so vehicles egress onto Bayside Road and not through Glacis Estate as currently proposed. CK commented that whilst the TPD appreciate why the Traffic Commission would want this, from a planning perspective, if this were to be reconfigured it may result in negative impacts of the setbacks and breathing spaces that have been provided between the proposed development and Archbishop Amigo House and OSP and may also result in the scheme having a more significant impact on the active streetscape along Bayside Road than is currently proposed. In view of this, TPD considers that it would be prudent that the applicant should undertake an exercise to consider alternative access arrangements and what impact these would have on the design concept, in consultation with stakeholders including the TPD, the MoT and the Highways Section of TSD before finalising the design for full planning, if the Commission resolve to approve this outline application.

CK went on to note that whilst representations have been submitted, in respect of the design concept and the height and placement of the 'Building D', and that the TPD is sympathetic to the issues that have been raised, it is considered that the applicant and their consultants have adequately addressed the points raised.

CK stated that even at this outline stage the TPD are encouraged by the sustainability credentials of the scheme, and the commitment the applicant is showing to improving the public realm around and across the site, although with foresight the TPD has observed some of the supporting documentation making reference to an 'alternative two storey podium' being proposed if the two-storey basement car park is not feasible and would stress that the TPD is not be supportive of a two-storey podium on this site and that the applicant should be made aware at this stage, that if such proposals were to be pursued at a later date, then these would

have to be the subject of a fresh application and would not be able to be considered as part a Minor Amendment submission as they would represent a fundamental change to the scheme.

CK went on to note that the TPD is content for the full TIA and the CHDBA assessments to be submitted in support of a full planning application and overall, the TPD considers that the proposed development generally complies with planning policy.

TPD recommends that the Commission should resolve to approve the outline application subject to conditions requiring the following: a full CHDBA, a full TIA, a CEMP, a Preliminary Risk Assessment, an Air Quality Assessment, a Noise Impact Assessment, a detailed Renewables and Sustainability Statement , a predictive EPC, an Accessibility Statement, Aeronautical Assessment, a Solar Glare Hazard Study, a Micro Climate Study, a Tree Survey and a detailed landscaping strategy to be submitted in support of the full planning application, and that the Outline Planning Permission is subject to a condition requiring the applicant to undertake an exercise to consider alternative access arrangements and what impact these would have on the design concept as well as conditions requiring:

- any lost car parking spaces on Bayside Road including the three x accessible spaces to be re-provided within the proposed car parking for the development;
- requiring 40% of EVCPs to be active EVCPs as per other recent Commission decisions on planning applications and details to be provided in support of the full planning application;
- requiring publicly accessible E-bicycle charging points to be provided in the development as per other recent Commission decisions on planning applications and details to be provided in support of the full planning application; and
- other standard conditions deemed to be appropriate in respect of the development proposals that have been put forward for the site including but not limited to details of sight lines and turning circles / illumination scheme / bat and bird nesting sites / maintenance scheme for landscaping etc.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MC confirmed the MOD also had concerns with the OLS and they needed to see the Aeronautical Study and a certification behind why this should be breached.

The Chairman said this was an important point made by MC and the applicants need to take this into consideration and said if a satisfactory case couldn't be made then this would have an impact on Building D.

JH noted that 27 x existing trees would be removed from the site as a result of the proposed development and didn't believe there was a report done to justify this as well as raising concerns on excavations in the area where previously bedrock and oil had been found, and future proofing the piazza and keeping the area open if a scheme were to go ahead with a podium.

SO responded to JH saying that a tree survey would be undertaken and submitted in support of the full application and that prior to demolition trees will be trimmed and temporary relocated and they will be nursed and reused if possible and that in terms of excavations laboratory testing would be carried out on the soil.

MHEYS left the meeting at 12.15 and was replaced by MESCEE . MESCEE said the DoE had comments requiring bat and bird nesting sites to be provided within the development, that the development should achieve NZEB standards and that the existing trees needed to be kept in a nursery location and returned to the site.

The Chairman said the recommendation was to approve the application subject to conditions and recommendations set out in the TPD's report and moved to take a vote on the application.

In Favor - 9

Against - 1

Abstentions - 0

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

DCM left the meeting and was replaced by MT, and EH left the meeting and was replaced by HM.

Other Developments

143/23 – O/18137/22 – The Old Married Quarters, 4 Castle Road -- Proposed refurbishment and extension of the existing building into residential and storerooms.

PC presented the application confirming that the site is located to the rear of Moorish Castle Estate surrounded by Government Housing and comprises a main building and a side building built against the historic wall. PC confirmed that the existing building, which comprises nine flats is in a dilapidated state and requires significant refurbishment and that the existing deck access is structurally unsafe.

PC confirmed that the outline application comprises eight duplex apartments, the removal of the pitched roof, the retention of the existing structure as much as possible, the introduction of setbacks introduced to the modern extension to minimize visual impact, a sedum green roof and the introduction of PV solar panels subject to further solar studies.

PC also noted that the scheme has been softened through the introduction of a brise soleil and other projecting cornices to reduce impact on the Tower of Homage and confirmed that the existing rear extensions were to be removed and a new extension created as well as a new glass lift, and that no car parking spaces were being proposed as part of the development.

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

PC presented a summary of the consultee feedback on the outline application:

- DOE confirmed that they had no objections but required an EPC and sustainable and renewables assessment to be submitted in support of the full application, as well as a tree survey and bat and swift surveys to be undertaken prior to the commencement of development;
- GHT – confirmed that the revised scheme has worked to reduce visual obstruction to the Tower of Homage by reducing volume and pulling the additional floors to the side and consider that they are of the view that the visual impact of the extension of the

building on the Tower of Homage has been significantly mitigated for in this way. Also note that this is an archaeologically sensitive area so this will need to be accounted for in the planning of the project.

- MfH – confirmed that there are no concerns but stressed that no works to the historic wall can be made without a Heritage Licence;
- TSD – confirmed that they had no objections;
- MoT – confirm that they require one x bicycle space to be provided for each residential unit;
- MfH – confirmed they have no objections but raised concerns on noise and dust on the neighboring estates; and
- No comments received from LPS or the WHO.

PC said that in respect of the TPD's assessment of the application that planning concerns had been mitigated with setbacks, and the incorporation of a brise soleil to reduce massing of the original design concept that had been submitted.

PC showed slides to show there was minimal impact on the site and surrounding heritage buildings and set out that the TPD considered that the proposal will improve the site which is currently in a dilapidated state.

PC also noted that if the Commission were to approve the application they would need to waive the Car Parking Regulations for the site and that the TPD did not have any objections to this.

PC set out that the TPD had minor concerns with the fenestration on the upper floor levels due to the lack of uniformity and that this should be addressed in the detailed design of the scheme should the Commission resolve to grant Outline Planning Permission .

PC recommended that the Commission approve the outline application and that Outline Planning Permission is granted subject to conditions to address the points raised by the TPD and consultee feedback on the proposals.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MESCCE stated that he had concerns on glass balustrades and lifts and that these should include markers to avoid bird collisions, and that the sedum green roof could work well, but could dry out in the summer, however it could be modified if it is not appropriate for the site.

CAM referred to the demolition of the wash house and said they would need a Heritage Licence for the wall, and this would need to be treated appropriately.

The Chairman recommended approval of the application.

The application was approved unanimously.

144/23 – F/18239/22 – St Andrew's Manse, 29 Scud Hill -- Proposed two storey top floor extension, replace existing two storey extension at the rear with new enlarged extension, associated internal alterations as well as external swimming pool with associated ancillary works.

Consideration of revised proposals following feedback from the Commission.

CK explained that this application was originally tabled before the Commission at the DPC meeting held on 17 November 2022 and at that meeting the Commission had resolved to issue a direction for the applicant to submit revised plans in accordance with Town Planning recommendations and these plans were consulted on and brought back to Commission for a final decision.

CK confirmed that the recommendations of the TPD on the original proposals were for the applicant to amend the extent of the third-floor extension to omit approximately half of the meditation room at roof terrace level to address the overbearing nature of the extension on Lord Napier Views and allow space between the buildings on the northeastern part of the site.

CK confirmed that the applicant had submitted revised plans to conform to Town Planning recommendations and that the previous objectors had been consulted on the revised plans.

CK confirmed that one set of representations had been received and that the objector had requested to address the Commission.

The Chairman invited Kenneth Navas (KN) on behalf of Thomas and Simone Redman, to address the Commission.

KN confirmed that they:

- did not consider the revised plans address their concerns and that the extension should be further reduced;
- do not object to size of room but consider this could be achieved by extending to front of the property or omitting one, or both, of the kitchenette or shower room to maximize space at this level; are concerned that the first floor far-left window at rear of the proposed second floor of the applicant's property would provide a direct view of the front section of the objectors property, looking directly onto the terrace and request the DPC to consider removing it or moving it a metre or so to the south of applicants property.

MESCEE asked KN if this had been discussed between parties and KN said that this had not.

The Chairman said that the applicant had made the changes requested by Town Planning and as a result of that, the objectors were consulted on the revised plans.

CK confirmed that counter representations had been submitted and that the applicant, Shirin Smitham (SS) had requested to address the Commission. The Chairman invited SS to address the Commission.

SS reconfirmed to the Commission that the revised scheme accords with Town Planning recommendations and has been reduced by half using a cross section between rear wall of the meditation room and the front (street-facing) wall which is accurately depicted on the plans.

CK said that in respect of the TPD's assessment of the revised plans, the TPD considers that the revised plans submitted by the applicant comply with the recommendations and are in line with what was envisaged as to how to resolve the overbearing nature on Lord Napier Views, of what was previously submitted, and also allow breathing spaces in the relationship between the buildings.

CK went on to confirm that whilst the TPD acknowledge the objectors concerns regarding the window, this was previously assessed by the TPD who did not have any objections to it as it is a significant distance from the objector's property and is not considered to result in a loss of

privacy or amenity. CK confirmed that the TPD retains its position that the window is acceptable.

CK recommended that the Commission resolve to approve the revised plans subject to conditions confirming no overhanging of the roof of the upper level, and that a predictive EPC, detailed renewables statement, bat and bird surveys are submitted for approval prior to the commencement of the development, as well as conditions requiring timber windows and shutters to be kept throughout the front elevation, and an archaeological watching brief to be undertaken during any excavation works.

The application was approved unanimously subject to the conditions set out in the Town Planning Report.

145/23 - O/18247/22 - Ragged Staff Magazine, 53 Queensway Road -- Proposed refurbishment of magazines and conversion for use as a commercial storage facility.

PC presented the application confirming that the Ragged Staff Magazine complex constitutes a tunnel that extends approximately two hundred metres in length into the rock, and then splits into two 'streets' that are linked in a circular arrangement. Along these streets are a series of vaulted chambers, within which are housed the magazine buildings – which are double-height masonry structures, with a steel pitched roof structure. There are thirty-two of these magazines in total.

PC confirmed that at the point where Ragged Staff Tunnel Splits into the two streets, there are a series of smaller vaulted chambers, some of which were previously used as bathroom facilities and that some of the magazines are in use as storage facilities and many others are in a more derelict state and filled with debris.

PC confirmed that this is an outline application seeking an in-principle permission to refurbish the existing magazines for commercial storage use and that in general, the applicant intends to refurbish the site in an un-intrusive way while achieving the following:

- making the facility safe for use, particularly from a fire strategy perspective. A preliminary Qualitative Design Review as prepared by the Fire Engineer for the project was submitted in support of this application;;
- addressing issues of dilapidation and water ingress from the vaults wherever required;
- providing ancillary facilities for the active management of the premises, offering tenants secure and convenient storage ; and
- considered lighting design and material treatment, to maintain and highlight the heritage of the facility.

PC confirmed that notice of the application had been served on LPS and that no representations had been received.

PC presented a summary of the consultee feedback on the outline application:

- DOE – confirm that they require access on a regular basis to Magazine 15 and Silent Pool so therefore agree with the statement that this Magazine is outside the scope of the study and any development within Ragged Staff Magazine should ensure that access is always available to HMGoG. Also confirm that any development should

ensure that there is no negative impact on the natural cave system and water body off Magazine 15 including no impact on the air quality, temperature and levels of humidity within the natural cave system and water body as well as the submission of a predictive EPC

- GHT – confirm that they have no objection to the scheme with the proposed use seen as appropriate as per the original use of the stores and glad that original features will be reused.
- MfH – confirm that they welcome the proposal with the request that the applicant work closely with heritage entities throughout the development;
- TSD - confirm that they have no objections, pending comments on the preliminary Geotechnical Report provided by the applicant.
- No comments received from LPS.

PC said that in respect of the TPD’s assessment of the application, the proposals do not raise any significant concerns from the TPD or the stakeholders consulted through the planning process, noting that the proposal follows the historic use of the site as storage as the chambers were original used and designed as storage facilities. PC noted also, the comments of the GHT that the proposal should try to maintain and refurbish as much of the original features as viably possible in order to preserve the heritage value of the site.

PC recommended that the Commission resolve to approve the outline application subject to TSD approving the Geotechnical survey that has been submitted and the scheme being approved by the Traffic Commission prior to any Outline Planning Permission being issued and conditions on the OPP requiring:

- engagement with heritage stakeholders to continue as the project moves forward to ensure that historical elements and feature are refurbished or retained;
- DOE requirements requiring the caves being adhered to; and
- Full details of the storage use to be provided in support of any full planning application.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

MESCEE asked if the Museum had commented on the application. The Chairman said they had not.

MESCEE said access to caves must be maintained and humidity and temperature are very important and noted that this was a great idea for the site.

The application was approved unanimously subject to the recommendations and conditions set out in the Town Planning Report.

146/23 – F/18477/22 – Westside/Bayside School, 45 North Mole Road -- Proposed installation of 4g micro radio equipment deployment.

CK presented the application confirming that it involved the proposed installation of 4G (2600MHz) Micro remote radio unit on the side of the roof access hatch on top of the Library Building located in the center courtyard of Westside and Bayside Schools.

CK explained that the application follows feedback Gibtelecom has received from yearly customer survey that mobile coverage is low at the schools.

CK presented a summary of the consultee feedback on the outline application:

- DCA – confirmed that they have no objections;
- DOE – confirm that applicant has to ensure compliance with the HM GoG policy in respect of macro antennas;
- ESG – consider that there will be an exposure to students at a distance of 30 to 40 meters which will go against the policy of 100m minimum distance from schools, raised concerns of allowing such masts on a school and that this will set a precedent for future applications, and call for a review by HM GoG of the changes to its Precautionary Principle Policy asking what this represents for the local community as they expect more applications to come through for antennas as the demand increases.
- GRA – confirm that the applicant has submitted the relevant forms under the Communications Act 2006 and that the equipment will be subject to a site inspection prior to the equipment being powered up and this inspection will include an EMF audit to ensure the new installation is within ICNIRP guidelines;
- TSD – confirm that there are no architectural or technical objections to the proposals; and No comments received from the Department of Education.

CK said that in respect of the TPD's assessment of the application the proposed installation of 4G equipment especially in proximity to a school is subject to extensive analysis and consultation by the TPD.

CK noted that the HM GoG policy on the Installation of Mobile Phone Antennas relates to macro cell radio antenna and that this application is for a microcell antenna and as such the HM GoG policy does not apply to the consideration of the application as it is not a macro cell antenna.

CK stressed that microcell antennas do not operate at the same capacity as macro cell antenna and that whilst the TPD notes the concerns of the ESG and acknowledged the point that have been raised, overall for the reasons set out TPD would recommend approval of the application subject to conditions including the necessary monitoring to be undertaken by the GRA.

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

JH raised concerns on the installation of antennas and said that they object to the proposals as this is in a densely populated area and that they should avoid exposure to the most vulnerable. JH went on to state that the Department of Education and the DOE had not commented and this was unacceptable and that she had tried to communicate with the Department of Education and they had not responded to her since December 2022. JH reiterated that there should be a policy review of where masts should be installed in Gibraltar.

The Chairman invited Martin Candeas on behalf of the applicant to respond to the points that were raised by JH.

Martin Candeas stated that:

- ICNIRP standards are used in all deployments;
- that this is a microcell deployment only and will not be upgraded to a macrocell deployment; and
- that coverage complaint is the reason for the microcell deployment in this location.

The Chairman asked MC if this was a low frequency installation and that it would not have an effect on health and below the ICNIRP standard levels. MC said this was correct.

JH said she had meetings with Gibtelecom, and they were not sure if this would suffice for the demand and might not work.

MESCEE said he respected JH and her comments, and the Ministry of Education does not have to justify the reason for this request. The applicant is not HM GoG and is Gibtelecom as per the request of the Department of Education. MESCEE said he had contacted relevant bodies and there is no concern with public health grounds. MESCEE asked Gibtelecom if these monitors were monitored, MC said this was not monitored by Gibtelecom but by GRA and this was a question for the GRA but couldn't confirm this. MESCEE said GRA, Gibtelecom, and DoE should propose a plan for regular monitoring.

JH said they were still waiting for information which had not been supplied. MESCEE apologised and said he would make sure she would get the Director of Public Health comments by the end of the day.

The Chairman said if the application were approved some sort of monitoring by the GRA could be added as a condition, if the GRA should receive reports of excessively high readings all operation would have to cease immediately.

The Chairman moved to take a vote on the application in line with the Town Planning report and the monitoring condition.

In favor: 6

Against: 2

Abstentions: 1

MESCEE said he would abstain as it would not be appropriate for him to vote as he would be directly involved.

MT was absent for the vote.

The application was approved by majority vote.

147/23 – F/18543/22 – 1A Line Wall Road -- Proposed single storey extension to existing building for residential units and ancillary works.

PC presented the application confirming that the current building comprises office space, housing multiple tenants under one building and that the proposed development comprises:

- the development of the existing building to accommodate the refurbishment and extension of the office space at first floor.
- the removal of the existing North facing terrace and an extension covering this area to include additional offices;
- external works including the re-painting and/or rendering of the exterior façades.
- tenancies at ground floor will remain out of the scope of the development, with only the addition of a new lift and refurbishment / redevelopment of the entrance lobby having an overall effect on the ground floor;

- the development will mainly be the introduction of 12 new individual apartments at the second-floor level; and
- confirmation that external works will include a new standing seam pitched roof and facade treatment to include new acrylic insulated render system with colours to Town planner's approval and that all windows will match existing which are colour-lacquered aluminum and uPVC.

PC confirmed that the application had been subject to public participation and notice of the application had been served on LPS and that one objection had been submitted.

PC confirmed that that objection had been raised by Mr Greg Rodgers, who had raised concerns regarding access to their unit being obstructed during construction, as well as dust, noise and other pollutants causing distraction to the normal running of their business.

PC confirmed that counter representations had been received confirming that the applicant will ensure that access to the premises will not be restricted in any way and that noise, dust and other pollution will be subject to Gibraltar Laws and Regulations and will not detract from the normal running of their business.

PC presented a summary of the consultee feedback on the outline application:

- DOE – confirmed that they had no objections to the proposed development subject to standard requirements and required the installation of a green roof on the proposed development.
- TSD – confirmed that they have architectural concerns with the proposed design criteria.

No comments were received from MoEq, MoT, LPS, and the GHT.

PC said that in respect of the TPD's assessment of the application the proposal had not raised any significant concerns from the consultees assigned with the exception of two comments which should be noted from the DoE and TSD

PC explained that in respect of the DOE request to incorporate a green roof the TPD considers this to be excessive seeing that the scheme presents a pitched roof to follow the design of the existing building as well as respect the general character of the Old town.

PC also explained that in respect of architectural concerns of TSD it is evident that the scheme has followed the design of the existing building with the extension above of an additional storey.

PC confirmed that the development does not meet the parking requirements for residential development which is a common occurrence with proposed residential development in the Old Town and noted that eight x bicycle parking spaces are to be provided and the site is located in the vicinity of public transport routes and in this instance has no objections to the Car Parking Regulations being waived if the Commission resolves to approve the application.

PC also noted that originally, the windows on the east facing façade were deemed to be encroaching, however, revised plans have subsequently been submitted by the applicant and this has been replaced with structural glass elements which is considered to be acceptable from a planning perspective.

PC recommended approval subject to the Car Parking Regulations being waived by the Commission, refuse requirements being resolved prior to a Planning Permission being issued

and conditions requiring a renewables statement, predictive EPC and bat and bird surveys and nesting sites being agreed prior to the commencement of the development .

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

GM referred to the architectural proposal being an additional two floors without giving concern to the other two floors and he would like to see a greater effort into integrating the upper floors to the rest of the building.

Stephen Martinez (SM), on behalf of the applicant, talked about the façade treatment and shade of additional floors to make this building not look like an extension but a continuation of the original building with a pitched roof and said the colour of the render could be changed.

MT had a question on parking and asked how many flats this building comprised. SM said there were 12 apartments. MT asked if the people purchasing these flats were aware that they will not be able to apply for Zone 2 parking.

The Chairman said this would need to be an agreement with HM GoG and the developer.

GM said having no parking would not be considered acceptable.

The Chairman moved to take a vote on the application in line with the Town Planning report.

In favor: 9

Against: 1

Application approved by majority vote.

148/23 – O/18633/23 – Lewis Battery (Former Pig and Poultry Farm), Queens Road Upper Rock -- Proposed construction of four rural cabins for touristic use.

CK presented this application confirming that this outline application follows a previous outline application on the site for a three storey ‘rural hotel’ with 25 guestrooms and ancillary facilities including reception / visitors centre and restaurant.

CK noted that the previous outline application was refused by the Commission on majority vote at the DPC meeting held in January 2022.

CK confirmed that the revised proposals comprise the construction of four x rural cabins for touristic use, with each cabin providing two x guest rooms with a total of eight x guest rooms for overnight accommodation.

CK confirmed that the cabins use unpainted timber facades with double pitched green roofs and are set back and staggered on a linear basis to allow for a much greater provision of landscaping including tree planting across the site.

CK noted that the proposals also involve the retention and re-purposing of the existing workshop building on site as a reception and visitors centre which will overlook Lewis Battery and access to the site would be provided via the Upper Rock Road Network.

CK confirmed that whilst full details of vehicular and pedestrian access are not provided, the applicant has shown turning circle for vehicular access on site and indicated that they will be seeking either:

- agreement with taxi association or other transport mover to provide drop off/pick up service required by guests;
- or use part of overall site (20 x 4m) to provide permanent parking for the cabins (a similar solution was previously proposed as part of previous hotel proposals on the site); and
- bicycle storage facilities will be provided for staff and bicycles will be able to be stored by guests in cabins.

CK confirmed that the application has been subject to public participation and that three sets of representations had been received.

The Chairman invited Tommy Finlayson (TF) to address the Commission.

T.Finlayson addressed the Commission stating that:

- the proposed development would have a big impact on the Nature Reserve;
- fire concerns;
- concerns that cabins will eventually become permanently inhabited as residential dwellings;
- considered that a pond would be greatly improve the resident birds access to water; and
- recommended the applicant should turn the site into a wildlife reserve.

The Chairman asked Members if there were any questions for TF.

MESCEE asked TF about turning this into a nature sanctuary and the proper restoration of Lewis Battery . TF said this would be the most acceptable use of the site.

The Chairman invited the applicant to address the Commission.

Christian Revagliatte and Joeseeph Pilcher addressed the Commission:

- reaffirmed their belief that plans meet touristic and environmental needs of the area;
- they do not agree with TF and the idea of a pond ; and
- one liners cannot reflect a deep objection and
- that one objector persists despite the support the applicant has given to the project.

The Chairman asked the applicant if the Lewis Battery refurbishment was part of this application. JP confirmed that this was not as this would have been funded by the hotel which is not happening.

CK presented a summary of the consultee feedback on the outline application:

- DOE – note the considerable efforts made to reduce impact of previous scheme, however, raise concerns as to how operation of units would impact the Nature Reserve due to increased noise and light disturbance and if Commission minded to grant OPP – urge the Town Planner to require an EIA to be conducted before full Planning Permission is issued. Also raise concerns regarding provision of utilities and infrastructure and increased traffic during construction as well as noise and dust recommending the use of concrete is avoided and applicant make use of modular off-

site construction techniques. Also require clarity on the proposed vehicle access policy and confirm that any parking spaces or laybys must be provided within the site boundary and not impact the road network in the Nature Reserve and confirm development would require a licence under the Nature Protection Act and a Visitor Management Plan.

- GHT – Note reduction in size and volume but still have concerns regarding overnight element of scheme that does not fit well within Nature Reserve and a use that requires overnight use is not supported by the Trust.
- MfH – confirm no objections to the revised scheme and welcome developers desire to protect and integrate the heritage assets including Lewis Battery but require heritage and photographic survey of known heritage assets, confirm its imperative that the applicant takes account of any requirements of the WHO as the site is within Buffer Zone of WHS and require the applicant to undertake an archeological watching brief during groundworks/excavations.
- MoE – consider that the applicant should rethink the accessibility strategy if the outline application is approved;
- TSD – confirm that they have no objections to the proposed development;
- TC – confirm that they have no objections in principle although plans showing access/egress onto Queens Road would need to be submitted in support of the full application if the outline application is approved by the Commission; and
No comments received from WHO , GTB, LPS, or the MoT.

CK said that in respect of the TPD's assessment of the application, the previous application was refused on the basis that a 25 room hotel was not considered to be a small scale development nor was it considered to be essential, of limited size or in keeping with its surroundings by virtue of its form, bulk or general design.

CK went on to state that there is a clear presumption against non-residential development in the Nature Reserve except in very specific circumstances and that the TPD is encouraged by the dialogue the applicant has had with TPD since that decision and welcome the revised scheme.

CK stated that the TPD consider that the provision of four x two storey cabins providing eight x guest rooms can reasonably be described as small scale and of limited size and the reduction means that the associated visual impact of the scheme has been considerably reduced especially when viewed from the Old Town, and elsewhere in the Nature Reserve.

CK went on to state that if the Commission were to approve the outline application this should be subject to a condition restricting use of facility to short terms lets only to ensure it remains in use and do not become dwellings in the future.

CK noted that this is an outline application and that the TPD would recommend approval of the Outline Application subject to carefully worded conditions to address these issues as well as further conditions requiring:

- the DOE to undertake an appropriate assessment as the site is in the Nature Reserve;
- requirement for applicant to apply for a development license under the Nature Protection Act;
- a Visitor Management Plan to be submitted in support of the full application;

- detailed proposals for the re-conditioning of Lewis Battery, its access path and ancillary facilities to be submitted for approval by the MfH and the GHT;
- detailed landscaping plans;
- demonstration that the development is completely accessible within buildings and throughout site;
- a HIA including heritage and photographic survey;
- a Transport Assessment;
- an Ecological Assessment;
- Sustainability and Renewables Assessment including Predictive EPCs;
- a CEMP;
- A Construction Waste Management Plan; and
- other standard conditions required at this stage.

The Chairman said the recommendation was to approve the application with conditions and asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations.

JH said the Nature reserve had to be shielded from construction and said at the last meeting they had requested for the site to be revegetated or landscaped to be part of the Nature Reserve without permanent human presence. JH said the proposed development was inappropriate for the Nature Reserve and objected to this.

CAM said they agreed with JH comments and all the ancillary activity that will go on around the site as they are self-catering and was not in agreement with the studio apartments.

MESCEE said that the proposed development was a vast improvement and needs to be a nearly zero development and noted that this was not going to be easy. MESCEE confirmed that he has concerns on the parking and this would have to be looked at. He said he would recuse himself from commenting further and voting as he is the licensing authority for the permission needed for the Nature Reserve .

The Chairman said that he did not agree with CAM and JH on the outright rejection of the proposal. The Chairman said this was a very limited development within the Nature Reserve and said that this could be a valuable contribution. The Chairman said he was in favor of the application and moved to take a vote on the application in line with the Town Planning report.

In favor - 5

Against - 3

Abstentions-1

MESCEE recused himself from voting.

The application was approved by majority vote in line with the Town Planning report.

149/23 – F/18740/23G – Europort Avenue, Europort Road and Eurocity Passage -- Proposed pedestrianisation and beautification works converting Europort Avenue into one way road, introduction of bicycle lane amenity spaces, kiosks, lighting, landscaping and other further improvements.

CK presented this application confirming that this was an HM GoG application and that it follows an outline application unanimously approved by Commission at the DPC meeting held in February 2023 which was subject to a number of conditions.

CK confirmed that the full application generally follows the outline scheme and has addressed the conditions on the Outline Planning Permission. CK noted that there had been some changes which can be summarized as follows:

- Zone 1 adopts road and pedestrian works approved and developed as part of the schools project and currently being undertaken on site;
- confirmed parking lost as part of proposals to provide outdoor seating and commercial units on passage between Eurocity and Eurotowers will be re-provided in Eurocity parking area as take up of parking has been lower than expected across development;
- further details of various kiosks were submitted including tables and chairs areas and indicate provision of roof top terrace areas on Europort kiosk and Europort Avenue kiosk with tables and chairs and that whilst full plans had not been submitted it was envisaged that separate full applications for each kiosk will be submitted for full planning ;
- co-ordinated design approach undertaken of visuals for kiosks with uniform indicative design for tables and chairs;
- indicative signage, shutter and air conditioning and plant screening design proposals submitted;
- confirmation provided and details submitted demonstrating that the service road running from West One and between Eurotowers and Eurocity to Europort avenue will remain available for refuse and emergency vehicles; and
- indicative illumination strategy details also submitted;

CK presented a summary of the consultee feedback on the outline application:

- DOE – confirmed that refuse requirements to be agreed;
- MfH – confirm that they support the proposed development and confirm no concerns with the project;
- MOE – stress that it is imperative tactile paving and colour contrasts to be used to advise people with visual impairments that there are cycle lanes and roads, railings removed near schools and question whether it is wise to have open area shared with motor vehicles and bicycles especially since one of the schools is for children with learning disabilities and raise concerns that the Montagu Gardens kiosk could become a choke point for pedestrians during peak times and impact of safe passage of people with impairments;
- Confirmed that the application will be tabled at next Traffic Commission meeting; and
- No comments received from the Department of Housing, Department of Education, GHT, LPS, MoT or TSD

CK confirmed that the applicant served notice on LPS, the Housing Department and the Management Companies of Eurotowers, Westone and Eurocity. CK confirmed that the written confirmation had been received from the Management Companies that they have no objections to the proposed development.

CK said that in respect of the TPD's assessment of the application the applicant had addressed previous concerns of the TPD regarding is re-provide lost car parking on Eurocity Passage through the providing this within Eurocity car park and welcome the indicative uniform design for kiosk and associated tables and chairs and umbrellas

CK noted that the tree survey and detailed landscaping proposals were not submitted, however these can be conditioned for submission prior to commencement of development in respect of the tree survey and prior to landscaping works commencing.

CK noted that detailed plans for kiosks have not been submitted and that subsequent separate applications for each of these will need to be submitted which will include sustainability and renewable energy requirements including predictive EPCs.

CK set out that there were two concerns with the kiosks, confirming the TPD firstly agree with point raised by MoE regarding the siting of Montagu Gardens kiosk and concur that this could become a choke point for pedestrians during peak times and safe passage of people with impairments could be compromised and consider that the siting of this kiosk should be revisited and adjusted in the corresponding detailed application for that kiosk.

CK went on to confirm that the second concern regarding the kiosks proposals is in respect of the proposals for the introduction of rooftop terraces on the Europort and Europort Avenue kiosks, noting with foresight that the experience of the TPD indicates that this will lead in future to applications to enclose these areas with pergolas which will in effect make them two storey structures which would be overbearing in the streetscape and consider that this element should be omitted from future application as they come forward on the basis that there is considerable ground floor tables and chairs provision provided in the scheme which can serve units and the first floor terraces are unnecessary and will lead to pressure for additional structures including lifts

CK recommended that the application be approved subject to conditions to address consultee comments and a specific condition requiring full applications for each of the kiosks and commercial units in Europort Passage as well as conditions requiring the kiosks to omit the roof terraces and a condition requiring the siting of the Montagu kiosk should be revisited and adjusted to avoid it becoming a choke point during peak times.

The Chairman said the recommendation is to approve the application subject to the conditions in the TPR and asked Members whether they had any comments or questions in respect of the development.

JH asked if the original application was just a one storey building and said there seemed to be many buildings and looked simpler before.

CK said looking at the left-hand corner it was a single storey and that is where concerns were coming from as it's now a two-storey building.

JH asked how many kiosks there would be. CK said there were three.

CAM agreed with the omission of the roof top terraces. She had no in-principle objection just thought a lot was being squeezed onto a very small space. She said that with the proposed kiosk locations the recycling bins that are there would have to have to be found an alternative location and the Department of the Environment would need to have a say as to where.

JH said a lot of the cafes in the area are already constructing enclosures as it's too windy to be outside so it may not be viable to what has been proposed.

MESCEE said the recycling bins have been pointed out in previous meetings and they will be sited on the area, and that outside terraces should not be enclosed as it changes the character of the area.

CV said he was agreement with MESCEE's comments and this living street and each of the locations were presented at outline and approved. He said the pavement will not be narrowed and location of bins would be provided. On the terraced areas, this was not proposed but in an attractive nature above street level and doesn't agree on the enclosure of the outside spaces.

The Chairman addressed CV and said that he had close involvement with the project and asked if these premises were to be Government leased, would it be controlled though clauses in the lease. CV said he agreed and recommended that.

MT said the concept is a living street and a child friendly area, safe pedestrian access etc. and said it has a lot of potential.

CAM needed clarification on the enclosure of the open spaces as this would not be a heritage area and how enforceable this would be in the future.

The Chairman said by what he understood if you have a clause in your lease and it is not kept then this would be enforceable. KDS said that this could not be enforced under the terms of the lease as these would be title rights and other conditions not on issues to do with planning.

GM said he was of the understanding that there were kiosks proposed and now this is going in the opposite direction with building and opens spaces and the urban aspect is being lost with the significant amount of buildings in the area. The Chairman replied to GM and said the building footprints were the same as the outline and the TPD concerns were relating to the roof terraces .

The Chairman informed Jonas Stahl (JS), on behalf of the applicant, on the discussions on this application and referred to concern on the roof development which could happen in the future, and what control there would be with future enclosures.

Anna Cherepakhova (AC), on behalf of the applicant, said this was a large area and with the proposed kiosks there is a lot of shading, green landscaping, they hope that the proceeds from the rent can be used towards the maintenance of the area. She said they were not proposing to build the two storey structures for them to be enclosed and that whoever would be the landlord for the kiosks would not grant consent, and whoever the kiosk is being leased by would not be able to be enclosed whether at roof terrace level or ground floor level.

JS said the idea is to keep the openness of the area and referred to the recycling bins and looking at this with the traffic engineers to avoid a choke point in the vicinity. He answered GM's comments and said the footprint had not changed. He said the curb line would be altered and this could be bought further forward.

The Chairman said they would be requiring individual applications for the individual kiosks anyway so this would be looked into.

MESCEE there were positive aspects to this proposal and considered this outweighs the negative aspects and considered this a refreshing proposal.

JH said we want the open space discussed at outline stage.

The Chairman said the recommendation is to approve the application subject to various conditions set out in the Town Planning Report and suggested that instead of omitting the terraces that each individual application for the kiosks would need to provide reassurance that terrace areas would not be enclosed.

In favor – 8

Against – 0

Abstentions - 1

MT recused himself from voting on this application.

The application was approved by majority vote.

Minor and Other Works– not within scope of delegated powers

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

150/23 – MA/18696/23G – 1 Bishop Caruana Road -- Proposed new elderly care nursing home to cater for 182 beds.

GoG Application

Consideration of Minor amendments including:

- *general alterations to the ground floor level with the removal of parking and vehicular access and addition of 9 x double bedrooms;*
- *removal of the main kitchen at first floor level with further addition of 9 x double bedrooms extra bedrooms (an increase from 182 to 200 bedrooms in total);*
- *relocation of restaurant to roof terrace level with extended area for kitchen; and*
- *updated elevations in order to modify the building from a traditional to a modular construction while maintaining the aesthetical appearance of the building as a whole.*

This application was approved.

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

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

151/23 – F/17658/218 – Admiral’s Place Naval Hospital Road -- Proposed minor works including attic conversion and installation of new windows.

Consideration of request to relax Part K Building Regulations to convert an attic to habitual room.

152/23 – F/17676/21 – 83 Irish Town -- Proposed internal reconfiguration of ground and first floor levels including the replacement of windows and shutters. Additional internal modification of upper floor levels as well as the construction of a new centralized plant and equipment room at roof level and rooftop pergola.

Consideration of alternative uPVC window material to discharge Condition 5 of Planning Permit No. 8117.

153/23 – F/17834/21 – 20 Prince Edward’s Road -- Proposed refurbishment works to existing residential premises.

Consideration of colour scheme to discharge Condition No. 4 of Planning Permission No. 8214.

154/23 – F/18039/213 City Mill Lane -- Proposed internal refurbishment of third floor and communal areas, refurbishment of the building and proposed new extension at the roof level.

Consideration of colour scheme to discharge Condition 2 of Planning Permission No. 8371.

155/23 – F/18347/22 – Unit 2, 113 Main Street -- Proposed conversion and change of use of office premises (Class A2) into a residential unit (Class C3).

156/23 – F/18461/22 – 1/1 King's Street -- Proposed flat refurbishment including replacement of windows on a like-for-like basis and installation of ventilation grills.

157/23 – F/18488/22 – Europa Road -- Proposed reinstatement of a section of collapsed retaining wall on east side of Europa Road.

Consideration of proposed cladding to discharge Condition 2 of Planning Permit No. 8584.

158/23 – F/18510/22 – 29 and 30 Rosbay Court, Naval Hospital Road -- Proposed amalgamation of two residential units.

159/23 – F/18521/22 – 12 Gustavo Bacarisa, Glacis Estate -- Proposed change of use from takeaway to nursery.

160/23 – F/18557/22 – 11 Parliament Lane -- Proposed refurbishment of ground floor stores.

161/23 – F/18558/22 – 14 Flat Bastion Mews -- Proposed enclosure of patios on ground floor of residential building.

162/23 – F/18559/22 – Flat B, Aston House, 13 Cumberland Road -- Proposed installation of new windows within terrace.

163/23 – F/18569/22G – Inces Hall Courtyard -- Proposed replacement of windows and doors at the old theatre cafe.

GoG Application

164/23 – F/18579/22G – 1 Blackwatch House, Laguna Estate -- Proposed new extension to the rear and internal alterations to accommodate access requirements for resident with limited mobility.

GoG Application

165/23 – F/18587/23 – 10 Brympton Estate, South Barrack Road -- Proposed internal alterations and replacement of windows.

166/23 – F/18588/22 – 908 Seashell House -- Enclose balcony with glass curtains.

167/23 – F/18591/23 – Flat 5, 19 Cornwall's Lane -- Proposed internal alterations and replacement of windows.

168/23 – F/18598/23 – 2a King's Yard Lane -- Proposed construction of utility room at roof level, roof terrace with pergola alterations to facade and fenestration and associated internal alterations.

169/23 – F/18608/23 – External landlord area, Ocean Spa Plaza -- Retrospective application for the construction of storage cupboards.

170/23 – F/18616/23 – Flat 4, 51 Main Street -- Proposed flat refurbishment including change of front door.

171/23 – F/18617/23 – 3 Europa Road -- Proposed repairs to the damaged boundary wall between the Rock Hotel and the Alameda Gardens.

172/23 – F/18623/23 – Promenade 44, Queensway Quay Marina -- Proposed relocation and refurbishment of four x historical cannons.

173/23 – F/18629/23 – First Floor Mezzanine, Forbes 1848 -- Proposed creation of internal treatment rooms within the mezzanine area above the café and installation of feature wall signage.

174/23 – F/18641/23G – 308 Main Street -- Proposed refurbishment of restaurant (Class A3) and change of use to a flexible use of a bookshop (Class A1) and cafeteria (Class A3).

GoG Application

175/23 – F/18648/23G – Four Corners Residential Estate -- Proposed demolition and subsequent re-building of the guard house for safety reasons and associated access changes to the Estate

MOD Project

176/23 – F/18654/23 – 182 Main Street -- Proposed refurbishment of façade.

177/23 – F/18668/23 – 3 Gavino's Court -- Proposed small extension and internal alterations.

178/23 – F/18673/23 – Unit 1220, Eurotowers -- Proposed replacement of existing windows and frames to feature two tilt and turn window per window set.

179/23 – F/18695/23 – 405 Endeavour, 41 Both Worlds -- Retrospective application for installation of existing air-conditioning installation, removal of built in wardrobe and replacement of front door and windows.

180/23 – F/18708/23 – Unit 6 Ocean Village Promenade -- Retrospective application for internal refurbishment and replacement external signage.

181/23 – F/18709/23 – Flat 24, Quay 29, 34 King's Wharf Queensway -- Proposed installation of an awning.

182/23 - F/18710/23 – Flat 22, Quay 31, King's Wharf Queensway -- Proposed installation of a pergola and awnings.

183/23 – F/18747/23 – 16 Poppy House, Waterport Terraces -- Proposed installation of a 2.04 x 1.38m aluminum window to close off an open utility room.

184/23 – F/18749/23 – 518 Sand Dune House, Beach View Terraces -- Proposed installation of glass curtains

185/23 – F/18751/23 – 4 Genista House, Europa Road -- Proposed replacement of all existing wooden framed windows and terrace doors with uPVC windows and terrace doors.

186/23 – MA/18353/22 – 5A and 5B Hargraves Parade -- Proposed internal reconfiguration to convert two x existing dwellings into a single one as well as a rooftop extension includes swimming pool, garden and additional accommodation.

Consideration of Minor amendments including:

- *amendments to roof to incorporate sedum roof and solar panels together with the final lift overrun;*
- *internal layout amendments; and*
- *landscaping reconfiguration.*

187/23 – MA/18363/22 – House 9, Atlas Views, 8 Naval Hospital Hill -- Proposed alterations extension and refurbishment of property.

Consideration of Minor amendments including:

- *installation of a new green wall and temporary privacy fence to garden.*

188/23 – MA/18624/23 – 23 Willis's Road -- Proposed extension and associated works.

Consideration of Minor amendments including:

- *change of entrance to ground floor flat; and*
- *modification to entrance of property occupying first and second floors of the building.*

189/23 – 1555/ P/044/23 – Ince's Hall, 310 Main Street -- Refurbishment and painting of façades to entire building including removal of street art.

190/23 – 1555/ P/045/23 – 18/2 Castle Steps and 2C Willis's Road -- 18/2 Castle Steps and 2C Willis's Road -- Refurbishment including render and painting of north and west elevations of property.

191/23 – 1555/ P/046/23 – 62-74 Governor's Street -- Refurbishment, rendering and painting of north and east elevations of property.

192/23 – 1555/ P/047/23 – 63 Governor's Street -- Refurbishment, rendering and painting of west elevation of property.

Any other business

193/23 - CAM asked the Commission how they felt about having face to face meetings as this would help in discussions and requested this to the Commission.

JH said she totally supported CAM's comments, and this would allow the public to attend and that face-to-face meetings enhanced decisions and asked if this would be possible.

The Chairman said they would need to look into possible venues and issues to do with livestreaming and he would get back to Members on this matter.

Chris Key

Secretary to the

Development and Planning Commission