

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes for the 8th meeting of 2023 to be held remotely via video conferencing on 27th July 2023 at 9.30am.

Present:

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

The Hon Dr J Garcia (DCM)
(Deputy Chief Minister)

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

Mr E Hermida (EH)
(Chief Executive)

Mr G Matto (GM)
(Technical Services Department)

Mrs I Balestrino (IB)
(Gibraltar Heritage Trust)

Mr A Brittenden (AB)
(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 P Cosquieri (PC)
(Town Planning Assistant)

Mr J Celecia
(Minute Secretary)

Apologies:

Mr H Montado
(Chief Technical Officer)

Mrs C Montado
(Gibraltar Heritage Trust)

Mr K De Los Santos
(Land Property Services)

Approval of Minutes

194/23 – Approval of Minutes of the 6th meeting of 2023 held on 18th May 2023 and approval of the Minutes of the 7th meeting of 2023 held on 29th June 2023

The draft minutes of the 6th meeting of 2023 held on 18th May 2023 were approved.

The draft minutes of the 7th meeting of 2023 held on 29th June 2023 were not ready, so this item was deferred.

Matters Arising

195/23 – 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 height between slabs;***
- ***Extension of slab area at mezzanine level in AADS Building;***
- ***Incorporation of a new stair core;***
- ***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 revised proposals following feedback from the Commission.

CK presented the application and confirmed that the Commission had previously deferred making a decision on the proposed branded signage to allow the applicant to explore alternative schemes following concerns raised by the Town Planning Department (TPD) regarding the quantum of signage proposed, its visual impact on Queensway, the potential reduction of permeability of the Dockyard Buildings behind, and its potential to be a visual distraction to drivers. CK confirmed that since the application was last tabled for consideration, the TPD and the GHT had met with the applicant on-site, and subsequently, the applicant submitted a revised scheme that incorporated a reduction in the number of totems, as well as a reduction in the height and width of the totems, increased the distance between totems and groupings of totems across different parts of the site, and changed the orientation of the totems.

CK presented the TPD's planning report in respect of the revised scheme. CK confirmed that TPD would appreciate the changes that have been made following the site meeting with the applicant, including the reduction in quantum, dimensions, positioning, and grouping of totems across different parts of the site. CK stated that the TPD considers that the changes are meaningful as they do improve permeability and visibility across the site in respect of the heritage-sensitive Dockyard Buildings and work well in the context of the beautification of the area.

CK concluded that while the revised proposals are in no way ideal, having carefully assessed the proposals, on balance, it was recommended that the Commission approve the branded totems.

The Chairman asked the Members whether they had any comments or questions regarding the revised proposals.

JH proposed that there should be an increase in the space between the totems/trees within the development area as the intention is to improve aesthetics, accessibility, and safety. JH also suggested that the Traffic Commission be involved in the consideration of requesting the client to implement a pavement into the design.

MESCE expressed agreement with JH's proposal regarding the implementation of a pavement in the development for the benefit of pedestrians. MESCE emphasized the importance of providing safe and convenient pathways for pedestrians within the area. Additionally, MESCE suggested that the number of trees should be doubled and highlighted the environmental and aesthetic advantages of having more trees, which would contribute to the overall attractiveness and ecological sustainability of the project.

Jonathan Chappory, representing the applicant, addressed the Commission and confirmed their commitment to adhere to the proposal of increasing the number of trees within the development area. CK confirmed that the Commission were only considering the revised totem scheme as a discharge of condition and the proposed tree planting had already been approved.

The Chairman recommended approval of the revised scheme for branded signage.

The revised scheme for branded signage was unanimously approved and the condition can be discharged.

Major Developments

196/23 - F/18746/23 - The Showroom, 1A The Square (and Car Park) Marina Bay -- Proposed construction of a 150 room hotel over existing car park with resort area and suite offices.

CK presented the application for the development of a 12storey, 37.5m high hotel with 150 guest rooms and amenities, and a replacement car park at the ground floor level with 22 car parking spaces, two unloading and loading bays, 12 motorcycle spaces, and 10 bicycle spaces on the site of an existing car park and single storey car showroom

The Chairman invited Charmaine Bray (CB), an objector, to address the Commission.

CB raised concerns about the proposed development, including road congestion, migrating birds, pollution, right of light, ventilation, ground-level planters, removal of emergency entrance, cladding safety, high-rise necessity, and privacy issues for neighboring homes.

The Chairman acknowledged the objections and asked the applicant Ed Allison-Wright (EAW) and Kevin Heaver (KH) to address the points that had been raised.

EAW addressed several issues that CB had raised. EAW confirmed that they had instructed a daylight study to be undertaken by specialists which concluded that the proposed development would have minimal impact compared to similar projects in Gibraltar. EAW also confirmed that they complied with fire safety regulations, utilizing non-combustible cladding following BRE

187 guidelines, that they had consulted with government departments in developing the proposals and that they aim to minimize road congestion during construction by using off-site manufacturing methods. EAW expressed support for migratory birds and that they would incorporate swift boxes in the development. EAW also confirmed that the height of the podium level will allow for emergency and delivery vehicle access through the carpark, and that the pool deck overlooks the car park level of Trade Winds, addressing potential privacy concerns.

JH raised concerns about the distance between the proposed development and the adjacent developments, as well as its alignment with the overall aesthetic of the Ocean Spa Plaza opposite.

EAW addressed the distance concern, ensuring increased space between the developments and emphasized the need for a hotel in Gibraltar to discourage Airbnb usage in unsuitable buildings.

GM enquired about the ground floor car park's columns potentially reducing available parking spaces and the feasibility of relocating the pool to the rooftop.

EAW clarified that the new development will feature larger car spaces, retaining the ground floor area and utilizing Ocean Spa Plaza's car park as well.

KH provided further information, stating that there will be 20 car parking spaces of adequate size allocated for the supermarket and that hotel guests will have the option to park at Ocean Spa Plaza, the Park and Ride Car Park on Devil's Tower Road, or the World Trade Centre car park. KH also addressed the location of the swimming pool stating that placing the swimming pool on the rooftop would significantly increase the building's load, making it more challenging to implement due to the modular nature of the structure.

JH enquired about emergency vehicle access at the development.

KH assured that the emergency vehicle access would not be hindered and would be adequately accommodated, similar to the provision for delivery vehicles.

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

- DESCC - require a geotechnical study of the development footprint before commencement, along with compliance with NZEB standards as well as a detailed sustainability and renewables assessment, and provision of bat and swift nesting sites within the development;
- DCA - confirmed that they had no objections but specified certain aeronautical conditions would be required on any planning permission including that the building must not exceed the height outlined in AS, that they had no objections to the infringement on the OLS of Gibraltar Airport, that non-reflective films should be retrofitted to windows to avoid glare, and the Bird Hazard Management Plan / FOD Management Plan guidelines must be implemented, a Crane Management Plan would be required for any cranes that breach OLS, cranes were to be appropriately lit as per the requirements, and that the building's proximity to the airfield made it unsuitable for bird and bat nests.
- MfH - confirmed that they had no design concerns or objections to the proposed development and it would require an Archeological Watching Brief;

- MOT –confirmed that parking regulations are not satisfied, EVCPs need to be provided in accordance with the Regulations, public/visitor cycle racks should be provided,, the existing two-way cycle lane to be maintained at all times during the construction phase of the development and the . temporary closure of Bayside Road not permitted;
- TSD confirmed that they had no objections to the proposed development but set out a number of technical requirements that would form part of the informative on the Planning Permission if the application is approved.
- No comments received from the GHT, GTB, LPS, or the MoEq.

CK said that in respect of the TPD’s assessment that there was no objection to the principle of a hotel development on the site of the height, scale and mass proposed, that the proposed development is in line with other buildings and schemes that have been approved by the Commission in the Bayside Road area, consider that the proposed development generally complies with planning policy and the TPD recommends that the Commission should resolve to approve the application subject to waiving the car parking Regulations for the site, tabling the application at the next Traffic Commission for approval and comments, and subject to the conditions required by the consultees.

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

MESCE expressed concerns about the potential loss of open space and raised worries about traffic management during construction and suggested implementing drop-off and pick-up measures to alleviate congestion. MESCE also emphasized that swifts would not pose a problem for aviation and advocated for integrating nests into the building's design. MESCE also promoted the inclusion of a larger green wall both outside and inside the structure, along with encouraging the presence of trees and planters surrounding the building.

The Chairman invited EAW to address the points that had been raised. EAW confirmed their commitment to ensuring effective traffic management during the construction phase and assured the provision of designated drop-off and pick-up areas and expressed a willingness to explore the possibility of incorporating a larger area of green walls and additional planters into the development.

KB expressed concerns regarding the potential change of character in the area due to the development and also highlighted apprehension about the impact the development might have on swifts in the vicinity.

DCM shared his perspective on transforming the open area into a hotel, suggesting that incorporating green walls and vegetation akin to Ocean Spa Plaza would be favorable.

KH clarified that the hotel design indeed includes green walls, following a concept similar to that of Ocean Spa Plaza.

The Chairman moved to take a vote and reminded the Commission that the recommendation was to approve the application as submitted with the conditions stated, as well as additional conditions to explore the possibility of providing additional landscaping and green walls within the detailed landscaping plans to be submitted for approval, the submission of a Transport

Management Plan and providing integrated swift and bat nests in the development and waiving the car parking Regulations for the site.

In Favour – 7

Abstention – 1

Against – 3

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

197/23 – O/18752/23 – Site to the rear of The Cross of Sacrifice Monument and space above the existing Park & Ride building on Devil's Tower Road -- Proposed development comprising a new educational establishment (Class D1), offices (Class A2), a cafeteria at ground floor (Class A3), a new level of parking to accommodate the new homes and offices with three to five floors of residential units (Class C3) above the car park to include rooftop amenities and pool. The proposals also include lift accesses to residential units at ground level and upgrading and enhances landscaping of the façade of the existing parking facing Devils Tower Road.

CK presented the application for a mixed-use development planned for the land located to the rear of Cross of Sacrifice (CoS) and above the existing Park & Ride facility. CK confirmed that the existing Park & Ride car park comprises 1,008 car parking spaces and that there has been no recent planning history on this site.

CK explained that the development will include a nine-storey building to the rear of Cross of Sacrifice and a three to six-storey extension above the existing Park and Ride (37.10)m . The main entrance to the nine-storey building will comprise lobbies catering to office, residential, and college uses, along with a commercial unit (café) facing Cross of Sacrifice and Sundial Roundabout at ground floor level. CK also noted that the previously blocked-up entrance to the car park on the west side will be reinstated as per the original design. CK confirmed that the development will include a College of Higher Education facility on the first to third floors, followed by office accommodations from the third to sixth floors, and residential from the seventh to eighth floors. Access to flats above will be provided through three residential lobbies along Devil's Tower Road.

CK confirmed that the parking provision for the development would include 164 car parking spaces on an additional floor to the existing car park, providing an excess of 28 car parking requirements for flats with one bedroom and above, as well as office spaces, but no parking for studios, and a shortfall in motorcycle and bicycle spaces. CK stated that the proposed residential component comprises 159 units spread across the seventh to eleventh floors, featuring projecting balconies onto Devil's Tower Road, understood to be within the applicant's site. Communal spaces, such as a roof terrace, paddle tennis courts, and a swimming pool, will be available on the eighth and ninth floors and that the development incorporates extensive landscaping, including green roofs and green wall on the façade of the existing Park & Ride car park. CK confirmed that the scheme proposes the loss of two existing trees, the relocation of six trees, and planting of a minimum of 16 new trees around the Cross of Sacrifice. CK also emphasized that the CoS, a heritage asset without statutory listing, will be preserved in its current location and thoughtfully integrated into the development.

The Chairman invited Gillaine Dellipiani (GD), representing the applicant, to address the Commission. GD, provided a concise overview of the project, emphasizing the developer's commitment to minimizing disruption in the area by collaborating with adjacent construction sites as well as underscoring the significance of the development, highlighting the proposed integration of a College of Higher Education with the office use and the provision of reasonably priced apartments as key elements of the project.

There were no questions from Members.

The Chairman invited James King (JK), an objector, to address the Commission.

JK was representing the Commonwealth War Graves Commission (CWGC) and raised the following concerns. Firstly, the land is designated solely for use as a war memorial, and there is a legal restriction in perpetuity regarding its purpose. Secondly, there have been no agreements reached between CWGC and the developer or their agents regarding any designs, however, the CWGC is open to discussing changes to the memorial to accommodate the development. JK confirmed that the CWGC requested time to engage in discussions with both the specific architects of the developer and their own team to find a better way to develop the land while preserving the significance of the CoS.

IB emphasized the paramount significance of the CoS as a heritage asset and stressed the importance of preserving its aesthetics and urged against any alterations that could compromise its historical and cultural value.

GD clarified that the design can be modified to have a lesser impact on the monument and explained that in her opinion the proposed design would actually enhance the visibility and prominence of the monument, ensuring it is better showcased within the development.

CK presented a summary of consultee feedback that had been received:

- DCA – confirm that they require Aeronautical Statement to support the FPA if granted, including a Wind Study and Solar Glare Hazard Study if the proposal involves PV panels;
- DOE – had not received full comments, however, the CSI had advise that they should be consulted;
- GEA - confirmed the existence of a live electricity sub-station within the development's footprint and required written guarantees that the existing building and ventilation would not be hindered or restricted;
- MfH - confirmed that they have no concerns regarding the architectural design and raised no objections.
- MoT – confirmed that the development meets residential parking requirements but requested EVCPs and detailed information about on-street and sheltered cycling parking for the public, with the Park & Ride facility to be retained;
- TSD – confirmed that they had no objections and provided technical requirements that would be included in the Informative of the Outline Planning Permission if the application is approved.
- There had been no responses from DLA, DOEd, GHT, LPS, MoEq, and WHO.

CK said that in respect of the TPD's assessment of the application that there is no objection to the principle of a mixed use development on the site including a relocated College of Higher Education. TPD acknowledge that whilst the proposals are significant in scale, the proposed development generally accords with the HM GoG holistic policy for Devil's Tower Road in that the building, at its highest point, is the same height as that of the adjoining Citi-homes aparthotel/serviced apartments, and steps down across the site all the way to its western extent which mirrors the height, scale and mass of the Gibraltar National Stadium development which the Commission recently approved. In view of this, the TPD consider that there is no in-principle objection to the design or the height, scale and mass of the proposed development, although there is some concern regarding the design of the west facing elevation of the new building which could introduce some additional verticality on the upper levels as part of design development.

CK went on to state in regard to the CoS, that the TPD consider this acts as a focal point to the project and enhances the relationship between the site, the sundial roundabout and schemes which are coming forward in this part of Gibraltar, and considers that the applicant should liaise with the CWGC and the heritage bodies to put forward a scheme moving forward that all parties agree on.

CK also stressed that the Commission will need to waive the parking Regulations if they are minded to approve the application and that the TPD considers that the applicant should be providing car parking for the college and the proposed café within the excess of 28 car parking spaces and that some of the excess parking should be used to provide additional motorcycle and bicycle parking to serve the development as the demographic of the student population is that it is likely that they will use motorcycles or bicycles to attend College. The TPD, therefore considers that it is important that this is catered for as part of the development.

CK concluded by stating that the TPD recommends the approval of this outline, subject to the application being tabled at the next Traffic Commission meeting for approval and comments and subject to the conditions recommended.

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

MESCE remarked that the proposed development represents a general visual improvement compared to its current state. MESCE expressed agreement with the notion that the CoS should remain in its place while acknowledging the necessity for relocating the College of Higher Education.

KB expressed the need to compensate for the loss of trees and raised concerns about the greenery on the roof, particularly regarding the proposed planting in this location, considering the intense wind conditions in that area.

DCA emphasized that the current application is an outline proposal, allowing ample time to enhance the design for the full application. DCA commended the visually appealing aesthetics and reiterated the importance of relocating the College of Higher Education

IB expressed concern for both parties involved in the development, the Commonwealth War Graves Commission's architects and the applicant and their design team and emphasized the

need for effective communication and collaboration to arrive at a suitable solution for the CoS within this development.

JH enquired about the location of the college.

CK clarified that the college is situated on the first three floors of the building.

JH then expressed concerns about access and egress to and from the structure.

Both CK and the Chairman explained the details and assured that access and egress would be further discussed and addressed by the Traffic Commission, and that the removal of an access/egress from Devil's Tower Road is likely to be welcomed

CV suggested that the client's design team should consider incorporating a pedestrian route along the northern road to the rear of the site

The Chairman expressed the view that the development was generally acceptable, however, in his opinion that the CoS is visibly lost against the backdrop of the proposed building and that further design consideration is required on this aspect.

GM agreed with the Chairman's concerns regarding the visibility of the CoS and suggested that with suitable lighting during the night, the prominence of the monument would be enhanced.

The Chairman moved to take a vote and reminded the Commission that the recommendation was to approve the application as submitted with conditions stipulated as well as an additional condition for the applicant to investigate the feasibility of providing a public path across the rear of the site and waiving the car parking Regulations for the site.

In Favour – 10

Abstention – 0

Against – 1

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

Other Developments

198/23 – F/14995/17 – 16 Europa Mews, Europa Road -- Proposed construction of single storey pergola hut.

CK confirmed that the Commission had previously deferred the application when it was last considered on 24 January 2018 in order for the applicant to submit details of extended screening of the unauthorized pergola and to submit a geotechnical assessment. CK confirmed that the applicant had now submitted details of the extended screening and that TSD had since confirmed they had held a site meeting in April 2023 to assess the potential rock fall risk in the area. TSD consider that there is existing mitigation measures in the area that had been installed by the MOD and that the positioning of the pergola structure is such that the risk of rock fall is in fact very low and that given this, they have now removed the requirement for the applicant to submit the geotechnical assessment

CK explained that the TPD had undertaken a further site visit to assess the visual impact of the pergola and that the Student Accommodation and extensions to properties at St. Christopher's Alley that had been built since the retrospective works had been undertaken by the applicant, screen the pergola from distance views and the landscaping that had been planted by the applicant has matured and in view of this, recommended that the Commission approve the retrospective application.

The Chairman recommended approval of the application.

The application was approved unanimously.

199/23 – F/17548/21 – My Wines, 11 & 12 Chatham Counterguard -- Proposed installation of bioclimatic pergolas to rooftop terrace.

CK explained to the Commission that in October 2022, the applicant had undertaken unauthorized works and built a pergola on the roof terrace including glass curtains, similar to a previous proposal submitted by the applicant that had been refused by the Commission in September 2021. CK confirmed that the TPD is liaising with Office of Criminal Prosecutions and Litigation, that there may be a requirement to issue an Enforcement Notice and that the TPD require a resolution from the Commission allowing the TPD to issue an Enforcement Notice if it is required.

The Commission unanimously agreed to this request.

200/23 – O/18171/22 – 1 Fraser's Ramp and 9 Shaker's Passage -- Proposed refurbishment and extension of existing residential building.

Consideration of revised proposals following feedback from the Commission.

CK confirmed that the Commission had previously deferred the application in April 2023 in order for the applicant to submit revised plans which complied with the TPD recommendations. These were, that a two storey extension was excessive and mansard roof and dormer windows are not acceptable and that a single storey extension should be pursued and that this could potentially include scope for a shallow pitched roof with sky lights on the eastern pitch

CK confirmed that revised plans had since been submitted which now incorporate a single storey extension to provide three x two bedroom flats with each flat provided with stair access to a private roof terrace with integrated pergolas. CK also explained that the architectural style of extension had been redesigned to be more in-keeping with the colonial style of lower floors. The extension façade is to match proposed blue shutters. The white pergolas/shading to match white banding on the lower part of the building.

CK confirmed that consultees had been re-consulted, and that no objections had been received from the MfH or the TSD and that no further comments had been received from the DESC or the GHT.

CK confirmed that in respect of the TPDs assessment of the revised proposals that the applicant had predominantly addressed concerns of TPD and is moving in the right direction, however, the only remaining concern was with regard to the three stair cores at roof level which are considered to be over dominant and could be replaced with access hatches or a similar solution that has been used at, for example, My Wines

CK set out that the TPD recommends that this outline application is approved subject to a condition that the stair core element of the scheme is revisited and redesigned as the scheme moves forward to full planning and over conditions requiring an EPC, a renewables and sustainability assessment meeting NZEB standards, bat and bird surveys and nesting site details to be submitted in support of the full application as well as other standard condition.

The application was approved unanimously on this basis.

201/23 – F/18225/22 - 4 Demaya's Ramp -- Proposed extension, conversion and refurbishment of building.

Consideration of revised proposals following feedback from the Commission.

CK confirmed that the Commission had previously deferred the application in November 2022, due to concerns about the massing and visual impact of the development, which could negatively affect the character of the area, and that they had felt that a substantial revision to the scheme was required. This could include setbacks, use of different levels across the site and the inclusion of pitched roofs.

CK explained that the revised scheme that had been submitted by the applicant included a reduction in the height of the building by 950mm, replacement of the flat roof terrace with a pitched roof, the incorporation of shutters on the fixed windows on the north east elevation, and the installation of PV panels on the west facing pitch of the roof.

The Chairman invited Laura Gorny (LG), an objector, to address the Commission.

LG raised concerns including the height of the extension and its potential impact on the landscape and streetscape and that the modern design of the development, which she believed would not harmonize well with the neighboring buildings and was at odds with this part of the historic Old Town of Gibraltar

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

SM acknowledged that this was the second meeting for this application and countered LG's concerns by asserting that the aesthetics of the proposed building were indeed in line with the surrounding structures, streetscape, and landscape.

CK confirmed that consultees had been re-consulted and that the MfH had no objections to the revised design, and the TSD had no technical objections. Additionally, no further comments had been received from the DESCC, GHT or LPS.

CK acknowledged that whilst changes had been made to the fenestration of the building, such as introduction of shutters to fixed windows, and the pitched roof is welcomed, the changes do very little to address the Commission's concerns regarding the original proposal and that the massing and visual impact of the development would cause a negative impact on the character of the area

CK went on to state that the height of the proposed building has only been reduced by 950mm which was effectively the height of the glazed balustrading on the original scheme and that in effect the scheme is the same just treated differently.

CK confirmed that the TPD acknowledge the representations submitted and consider the points raised are valid and that having reassessed the scheme carefully, recommend that a full storey of accommodation is omitted from the proposed development and consider that this would enable the development to sit more comfortably and assimilate into its surroundings when viewed from distance and closer views.

CK recommended that the TPD consider that the Commission resolves to require the applicant to modify the scheme in accordance with powers under Section 28 of the TPA to remove a storey and to include structural glass elements rather than fixed windows on the north east elevation of the building as these are located on a property boundary and that the applicant should submit plans that comply with this decision.

MESCE confirmed with the objector's concerns about the adverse impact on the adjacent landscape.

CV stated that his views align with MESCE and the objector in acknowledging the negative impact on the landscape.

After some discussion the Chairman firstly moved to take a decision on the revised scheme as submitted.

In Favour – 0
Abstention – 0
Against – 10

The Chairman then moved to take a vote on the TPD recommendations to omit a storey from the current scheme and direct the applicant to submit revised plans.

In Favour – 1
Abstention – 0
Against – 9

As the motion to require the omission of a storey from the scheme was rejected, the original vote to refuse the application as submitted stood and the application was refused.

202/23 – F/18404/22 – 62B Flat Bastion Road -- Proposed refurbishment and re-modelling of house and garden including construction of additional floor.

Consideration of revised proposals following feedback from the Commission.

PC confirmed that the Commission had previously deferred the application during the March 2023 DPC meeting, due to concerns about the architectural style not being in harmony with the character of Flat Bastion Road.

PC confirmed that the applicant had submitted a revised scheme, which included:

- The addition of a new floor with a pitched roof to accommodate solar panels;
- The provision for three car parking spaces and bicycle parking without impacting on-street car parking or motorcycle spaces;

- The incorporation of setbacks, revised fenestration, and the incorporation of a pitched roof on the west façade of the building to blend with the surrounding townscape;
- The inclusion of a more traditional design on the east façade to fit within the Flat Bastion Road streetscape.

The Chairman invited Noelle Carrol (NC), an objector, to address the Commission.

NC raised concerns about the architecture of the proposal, expressing that it does not harmonize well with the surrounding buildings and voiced concerns about the additional floor and suggested that the applicant should explore alternative options to eliminate the extra floor and find space elsewhere, possibly through extending horizontally rather than vertically.

The Chairman invited Emma Holland (EH) the applicant to address the Commission.

EH began by assuring the Commission that they had taken previous concerns into account and had made changes requested by the Commission accordingly.

JH asked the applicant a question about the possibility of exploring horizontal development rather than vertical. EH acknowledged that this aspect had not been explored but expressed a willingness to investigate it.

PC confirmed that consultees had been re-consulted and confirmed that the MfH and TSD had both confirmed that they have no objections to the revised scheme. PC confirmed that no comments had been received from DESCC, the GHT, MoT, or LPS in respect of the revised proposals and that the revised scheme will be tabled at the next Traffic Commission meeting.

PC confirmed that the revised design is an improvement on the previous submission and that it fits better with the overall character of Flat Bastion Road and the Upper Old Town, and that the TPD recommends that the application is approved subject to standard conditions.

JH raised concerns about potential views being obstructed if this development proceeds.

The Chairman moved to take a decision on the revised scheme as submitted.

In Favour – 6

Abstention – 4

Against – 0

The revised scheme was approved by majority vote in line with the TPD recommendations.

203/23 – F/18628/23 – St Michael's Cabin -- Proposed conversion of the existing flat roof to be used as an accessible roof terrace.

PC explained that St Michael's Cabin is located within the Nature Reserve, adjacent to the upper St Michael's Cave exit and that the Cabin primarily functions as a tourist gift shop and restaurant, serving as the sole establishment in the vicinity apart from Mons Calpe Suite. PC confirmed that the proposed site is the existing flat roof above the restaurant and gift shop, which has a shared easement to the east managed by HMGoG for St Michael's Cave.

PC confirmed that the applicant is seeking permission for a roof terrace and bar on the existing flat roof over St Michael's Cabin. Access to the roof terrace would be via the existing stair

access to the toilet at the same roof level which would bridge over to the roof, minimizing works and impact on the area. PC went on to explain that the new ceramic paved roof terrace will cover the existing flat roof, using the existing structure and drainage systems and the perimeter balustrade will consist of frameless glass balustrading with a bar: positioned in front of the existing condenser unit cage, set back to reduce visual impact and will be constructed with lightweight timber, blending with the natural surroundings and the timber effect on the north facade..

PC provided a summary of the consultee comments that had been received in respect of the proposals confirming that the MoEq had stated that they understand the terrace's accessibility may be difficult and suggested using the opportunity to improve ground floor accessibility and that the TSD and MfH had not raised any concerns with the proposal. PC confirmed that no comments had been received from the DESCC, the GTB, the GHT, and LPS.

PC went on to provide the TPD assessment, confirming that the proposed works are not extensive with the existing flat roof and access stairs to the first floor toilets, changing the use of the roof to a terrace does not involve much more than erecting a balustrade and preparing the surface for use as a terrace.

PC went on to state that notwithstanding the minimal nature of the works, the TPD had noted that the applicant had not submitted any details of shading umbrellas would be likely to be required due to the exposed nature of the site TPD would require details to be submitted for approval given sensitivities of site and how this would be managed with the Macaques.

PC also raised concerns regarding Macaques who will be attracted to the terrace and recommend that a Macaque Management Plan is submitted and would need to be cleared by DESCC prior to completion of the development

PC set out that the TPD recommendation for the application was for approval subject to a Macaque Management Plan and shading proposals to be submitted and cleared by the TPD and DESCC as well as any standard conditions to control development and also noted the requirement for the applicant to apply to the DESCC for a Nature Reserve License.

JH raised concerns about the potential issue of macaques causing problems on the roof terrace, as they may act unpredictably towards people on the terrace.

MESCE declared that he would not be voting on this application as he is the Minister responsible for issuing Nature Reserve License. MESCE expressed that the balustrades would need to include markers to ensure migratory birds did not collide with it and feared that shading structures are likely to be damaged by the Macaques.

IB shared similar concerns to MESCE, and also pointed out that this application is likely to result in another application to enclose the terrace due to Macaque-related issues. AB agreed with the views shared by IB.

The Chairman acknowledged the concerns raised about additional structures due to shading requirements. However, it should be noted that such structures are not included in the current application. Concerning the Macaques, one option available to the Commission is to request the applicant to submit this information to the DESCC for review before a decision is made on the

application. Additionally, considering the site's location in the Nature Reserve, the Chairman expressed a preference for landscaping to be incorporated within the terrace.

The Chairman suggested that the Commission defer the application to direct the applicant to submit a Macaque Management Plan before a decision is made on the application.

MESCE considered that a deferral was a good idea to enable the Macaque Management Plan to be undertaken and that the DESCC would be able to assist.

The application was deferred to allow the applicant to submit a Macaque Management Plan. JH wished

204/23 – F/18630/23 – Flat 5, Cheshire House, Buena Vista Estate -- Proposed construction of a single storey residential extension.

Follows on from Outline application.

CK confirmed that this application is a continuation of the Outline Application approved by the Commission in December 2021. It involves a single-storey extension that aligns with the outline design, featuring a grey insulated render system, treated glazing, and a timber-effect brise soleil. Bird-friendly glazing will be used, and a brown roof with PV panels will be included, as required by the conditions of the OPP.

CK set out that as part of the proposals the applicant will provide a PV panel for the neighbor with fixed ladder access and that the facade will have solar control and brise soleil to provide additional shading to the extension, along with natural ventilation. CK explained that the development is predicted to achieve an 'A' EPC rating, and that swift and bat surveys need to be undertaken before starting the works.

The Chairman invited Gerard Fitzgerald (GF), an objector, to address the Commission.

GF raised concerns about the solar panels, as the project's shading will affect the energy production on their property and concerns regarding potential noise from the utility/plant room above their master bedroom. GF also requested a solid construction on the perimeter wall to ensure privacy for both parties involved.

The Chairman invited Alain Navarro (AN), the architect, to address the Commission

AN explained that there has been communication between the objector and the applicant and confirmed their willingness to collaborate in finding a mutually agreeable solution for the privacy screen. Regarding the solar panels, they can conduct a sun path analysis to assess the building's impact on the effectiveness of the solar panels.

CK presented a summary of consultee feedback that had been received confirming that the DESCC welcomes the installation of the brown roof and PV panels. MfH has collaborated with TPD and applicant, and consider the visual impact of the proposed extension to be acceptable and as such does not object to the proposed development. TSD does not object to the proposed development. CK confirmed that no comments had been received from the GHT, LPS or the WHO.

CK continued with the TPD's assessment, setting out that they welcome that the scheme maintains the design aesthetic of the outline application and that the only minor issue is that

they consider that opaque glazing should be used for the privacy screens rather than these being of a solid material as these may appear too heavy and detract from the lightweight design. CK went on to state that the TPD recommendation is for the application to be approved subject to the details of opaque glazed privacy screens to be submitted to the TPD for approval at Subcommittee prior to the issuing of a Planning Permission which would be subject to standard condition including the requirement for bat and swift surveys to be undertaken prior to the commencement of the development and details of air conditioning units to be submitted for approval and these would not be able to be placed on the facades of the building. The Chairman moved to take a decision that the application be approved in line with the recommendations of the TPD.

The application was approved unanimously.

205/23 – D/18745/23 – Fortress House, 7/9 Cathedral Square -- Proposed demolition of garages and ancillary constructions.

CK confirmed that this is an application to demolish a two-storey and a single-storey building at the southeastern part of the Fortress House site and confirmed that the main Fortress House will not be demolished as part of this application.

CK confirmed that the applicant has submitted a photographic survey and a demolition method statement in support of the application. CK explained that whilst the DPC's standard policy requires approval of the full redevelopment scheme in this instance the application follows the Commission approval of an outline application on the site and that a full application with an architectural DBA will be submitted by the applicant shortly.

CK advised that the applicant proposed working hours are 08.00 to 18.00 from Monday to Friday and 10.00 to 18.00 on Saturday and Sunday.

CK provided a summary of consultee comments received on the application confirming that the MfH emphasized that no demolitions should take place until a DBA is undertaken, including an analysis and record of the buildings to be demolished and currently, they cannot recommend issuing a demolition permission. CK also set out that TSD has no objections to the proposed demolitions and that no comments had been received from the DESCC, the GHT, and LPS.

CK confirmed that the TPD recommends approving the application subject to the standard noise hours condition, and not the extended ones proposed by the applicant, and that no Demolition Permission should be issued until the necessary clearances are obtained from MfH concerning the DBA and bat and swift surveys have been conducted.

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

MESCE pointed out the importance of considering swifts during the demolition process.

KB explained that a swift survey had already been undertaken, and they plan to conduct a second survey in September.

The Chairman moved to take a decision that the application be approved in line with the recommendations of the TPD.

The application was approved unanimously.

206/23 – D/18794/23 – 9-15 Bayside Road -- Proposed demolition of nine buildings.

CK confirmed that this is an application to demolish the ex-Bayside and St Anne's school complexes, comprising 9 buildings varying in height from one to two storeys.

CK explained that whilst the DPC's standard policy requires approval of the full redevelopment scheme in this instance the application follows the Commission's approval of an outline application on the site.

CK advised that a Demolition Method Statement has been submitted in support of the application, and the demolition works include superstructure elements, ground floor slabs, and foundations of the buildings. The 6-month program includes removing asbestos, stripping out buildings, and demolishing both Ex-Bayside School and St Anne's School buildings. CK explained that in order to minimize disruption, the applicant is proposing concurrent works at multiple locations on the site with different teams. CK informed the Commission that the applicant proposed the temporary closure of one lane of Bayside Road during key phases, but the road situation has changed to a single-lane road with a two-lane cycle path since the Demolition Method Statement was prepared.

CK advises that the applicant proposed working hours are 08.00 to 18.00 from Monday to Friday and 10.00 to 18.00 on Saturday and Sunday.

CK provided a summary of consultee comments received on the application confirming that the DCA has emphasized the requirement for a Crane Management Plan, Bird Management Plan, and Dust Control Plan to be prepared before commencing the works, MoT has requested that the two-way cycle way and one-way vehicular lane remain unobstructed, or managed through stop-and-go procedures, to ensure continuous access to Victoria Stadium, World Trade Centre, Marina Bay car park, and residential properties. CK confirmed that TSD had no objections to the demolition application whilst no comments have been received from the DESCC, GHT, or MfH.

CK confirmed that the TPD have no in-principle objections to the demolition of buildings which are to be vacated soon and the demolition of which would not cause any urban blight and recommended that the application should be approved subject to the standard noise hours condition, not the extended hours proposed by the applicant, and that no demolition permission to be issued until the necessary clearances from MfH in respect of the proposed demolitions works had been received, as well as conditions on the Demolition Permission requiring non closure of single lane Bayside Road and cycle lane, bat and bird surveys to be undertake prior to works commencing and conditions to meet DCA requirements

The Chairman asked the Members whether they had any comments or questions in respect of the development and the TPD recommendations. MESCE raised concerns about the presence of swift nests in the area and emphasized the need for careful consideration of this during the demolition process.

IB expressed concerns regarding the mosaics in the development site. MESCE explained that these mosaics, along with protected trees, will be relocated.

The Chairman moved to take a decision that the application be approved in line with the recommendations of the TPD.

The application was approved unanimously.

207/23 – MA/18650/23 – House 2, Atlas Views, 8 Naval Hospital Road -- Proposed extension, alterations and refurbishment of property.

Consideration of retrospective Minor Amendments including:

- ***Installation of window on property boundary; and***
- ***Installation of glass balustrading within balcony terraces.***

CK explained that this is an application for retrospective minor amendments that include general changes to the internal layout of the property, alterations to the layout of the skylights in the roof, addition of a window on the property boundary, and the installation of glass balustrading on the rear terraces.

The Chairman invited Stefan Nicholson (SN), an objector, to address the Commission.

SN expressed concerns about the openings in the development, as they would provide a direct view to his balcony and result in a loss of privacy and overlooking.

The Chairman invited Chris Homewood (CH) the applicant to address the Commission.

CH questioned whether the windows genuinely lead to a loss of privacy, offered to obscure the glass in the bathroom to ensure privacy and confirmed that other open balconies are allowed in the estate.

CK confirmed that retrospective amendments have been consulted on and that the DESCC, MfH and TSD have confirmed they have no objections.

CK sets out the TPD assessment of the application confirming that there are no objections to the internal alterations, reduction in roof lights on the roof, and glass balustrading on terraces as this does not result in any significant overlooking, privacy or residential amenity issues. CK went on to confirm that the TPD objects to the window installed on the boundary wall to ensuite bathroom as it is encroaching and contrary to the Regulations and cannot be installed without the adjoining property owner's written consent. CK advised that whilst they acknowledge the offer to fix and remove the handle from the window and install frosted glazing, this does not satisfactorily address the issue as it could be returned to an openable window at some point in the future, and in view on this considers that the window should be removed and blocked up and made good to match the existing wall and should be done within one month.

CK recommended that the retrospective minor amendments are approved subject to the removal of the window on the boundary wall within a month.

The Chairman moved to take a decision that the application is approved in line with the recommendations of the TPD.

The application was approved unanimously.

208/23 – MA/18721/23 – 7 Europa Road -- Proposed demolition of derelict casino and bund wall to provide a new apartment block of 111 high quality residences with multi storey car park and amenities.

Consideration of Minor Amendments including:

- ***Removal of lower and upper basement car parking;***
- ***Redesign of car parking levels including half levels and one additional level of parking;***
- ***Adjusted section heights for car park and accommodation levels so overall height is within the height approved in the original planning;***
- ***Removal of rear condenser terraces; and***
- ***Lower level planter added to Europa Road in front of the historic tanks.***

CK explained that the applicant was further seeking minor amendments to an approved scheme which had already had one set of minor amendments approved.

CK explained that the applicant was seeking a number of minor amendments to the scheme including the removal basement car parking to protect the integrity of the water tanks as a heritage asset and as a key part of Gibraltar's water supply, redesigning car parking levels to include three x half levels and one x additional level of parking to deliver the schemes full parking requirement, eliminating rear condenser terraces, and adding a lower level planter on Europa Road.

CK provided a summary of consultee comments received in respect of the minor amendments confirming that the DCA, the DESCC, the MfH, and TSD have no objections. Whilst no comments have been received from the DLA, the GHT, LPS, the MoT, or the WHO.

CK set out the TPD's assessment of the proposed minor amendments confirming that the effects of omitting basement levels have been fully investigated by geo technical consultants and that the TPD welcomes the approach to retain the integrity of the water tanks, both as a heritage asset and as a key part of Gibraltar's water supply. CK confirmed that the TPD considers that the alternative car park design is considered to be acceptable as the height of the overall development has not been increased (slight reduction) and results in more landscaping to be planted on west elevation which is beneficial in not only greening the development but also providing additional landscaping along Europa Road and that the minor amendments should be approved.

The Chairman moved to take a decision that the application be approved in line with the recommendations of the TPD.

The application was approved unanimously.

Minor and Other Works– not within scope of delegated powers

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

209/23 – F/18580/22 – Kiosk 1, 156 Main Street -- Proposed refurbishment of kiosk with shading umbrellas and tables and chairs.

Follows on from Outline application.

This application was approved.

210/23 – F/18699/23 – 32 Line Wall Road -- Proposed refurbishment of premises including extension to existing office areas at second floor level.

This application was approved.

211/23 – F/18732/23 – Old Mole Head Vaults, Waterport Road -- Proposed conversion of existing vaults into cafe with change of use from stores (Class B3) to food and drink (Class A3).

IB stated that the applicant would need to apply for a heritage license. CK confirmed that this requirement would form a condition on the Planning Permission

This application was approved.

212/23 – F/18785/23G – Room opposite entrance to MOD just beyond Landport Tunnel -- Proposed Melon Diesel street art mural with associated repairs to the facade of the room.

This application was approved.

213/23 – F/18801/23G – Plot of land North of Eastern Beach -- Proposed construction of a dog park facility.

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.

214/23 – O/17051/20 – "Bella Vista Cottage", No.10 Bella Vista Close -- Proposed refurbishment of property including demolitions of existing elements, proposed constructions of new build extensions and external works including the construction of a new swimming pool.

Consideration of request to renew Outline Planning Permission No. 7905.

215/23 – F/17400/21 – Northern End of Eastern Beach, Eastern Beach Road -- Proposed timber kiosk.

Consideration of request to renew Supplemental Planning Permission No. 7979A.

216/23 – F/18032/22 – 1B Engineer Road -- Proposed construction of swimming pool and roof garden.

217/23 – F/18328/22 – Flat 1, 37 New Passage -- Proposed internal alterations and replacement of windows on a like-for-like basis.

218/23 – F/18484/22 – 207-209 Main Street -- Proposed minor works associated with internal refurbishment, refurbishment of façade and terrace enclosure to property.

Consideration of details to discharge Conditions 2, 3 and 4 of Planning Permission No. 8520.

219/23 – F/18590/23 – Bella Vista, 9 Mount Road -- Proposed refurbishment works and ground floor extension.

220/23 – F/18602/23 – 8 and 9 Cornwall's Court -- Proposed subdivision of one flat into two.

221/23 – F/18606/22 – Carrick House, 6 St Christopher's Alley -- Proposed external works to stone boundary wall and installation of pergola in open terrace area.

222/23 – F/18618/23G – Camp Bay -- Proposed construction of a replacement storage hut.

GoG Application

223/23 – F/18637/23 – 17, 18-19 Devil's Tower Road & 5 Forbes Road -- Proposed mixed used development comprising commercial, storage, car parking, residential accommodation and ancillary uses.

Consideration of revised plans omitting projecting balconies on east elevation and replacement with Juliet Balconies in line with Commission's decision on application.

224/23 – F/18655/23 – 2 Cathedral Square -- Proposed construction of an extension at the rear of existing bedroom on the fourth floor, replace existing damaged fire escape stairs and associated ancillary works to include new stair flight from the second floor to third floor landing.

225/23 – F/18657/23G – Lathbury Windmill Hill Road -- Proposed installation of new balustrades (wood) and picnic tables.

GoG Application

226/23 – F/18660/23 – 1019 Oleander Court, Sir William Jackson Grove -- Proposed installation of air conditioning unit.

227/23 – F/18662/23 – 108 Main Street -- Proposed installation of shopfront, signage and internal alterations.

228/23 – F/18666/23G – Southport Gates -- Proposed installation of two new interpretation panes.

GoG Application

229/23 – F/18671/23 – 2 Ebony Lodge, Montagu Gardens -- Retrospective application for minor alterations and refurbishment of apartment premises.

230/23 – F/18674/23 – 293 Main Street -- Proposed conversion of roof deck into maintenance area.

231/23 – F/18684/23 – Forbes Ground Floor Cafe -- Proposed fit-out of café and installation of signage.

232/23 – F/18685/23 – 801 Grand Ocean Plaza, Ocean Village -- Proposed installation of glass curtains.

233/23 – F/18692/23 – 209 Rosia Plaza, Rosia Parade -- Proposed internal alterations and installation of external air conditioning units.

234/23 – F/18693/23 – 21 Seashell House, Beach View Terraces -- Proposed installation of wooden pergola.

235/23 – F/18694/23 – 17 Seashell House, Beach View Terraces -- Proposed installation of wooden pergola.

236/23 – F/18711/22 – 403 Imperial Ocean Plaza -- Proposed installation of glass curtains.

237/23 – F/18723/23 – 1102 Ocean Spa Plaza -- Proposed installation of glass curtains.

238/23 – F/18724/23 – 1302 Majestic Ocean Plaza -- Proposed installation of glass curtains.

239/23 – F/18737/23 – Jetty 3 and 4, North Mole, Main North Mole Road -- Proposed undertaking of essential works including fuel line replacement and diversion to related infrastructure.

240/23 – F/18758/23 – Flat 61, Quay 29, King's Wharf -- Proposed extension to apartment.

241/23 – F/18763/23 – 2.4.07 Rosemary Court -- Proposed installation of air conditioning unit.

242/23 – F/18767/23 – 13C Elliott's Battery, Elliott's Close -- Proposed installation of a sun shade/awning with metal frame.

243/23 – F/18786/23G – Central Hall -- Proposed replacement of the current windows and door from main entrance with automatic doors.

GoG Application

244/23 – D/18744/23 – 37 Line Wall Road -- Proposed demolition works to existing five storey building in line with approved application.

245/23 – MA/18716/23 – 14 Mount Road -- Proposed demolition of existing dwelling and construction of new single dwelling.

Consideration of Minor amendments including:

- *Replace straight staircase back to spiral from first to second floor;*
- *Change eastern wall from glass balustrade to blockwork and construct new toilet and plant room additions to lift overrun at roof level;*
- *Minor fenestration changes to windows and doors at each level; and*
- *Reconfigured internal layout across different floors.*

246/23 – MA/18725/23 – Europa Business Centre & Old Power Station, Chimney Corner, Dockyard -- Refurbish three areas of the dockyard for use as workshops and storage.

Consideration of Minor amendments including:

- *Decrease in total sq m due to original mezzanine extension now removed (522 sq m);*
- *Extension towards training centre to accommodate secondary escape route (37 sq m);*
- *General layout rearrangement;*
- *Annex building layout now included (storage, office, changing rooms and toilets); and*
- *Roof ventilation chimney removed from AADS building.*

247/23 – MA/18769/23 – North Gorge, Europa Road -- Proposed construction of an eco-sustainable residential development comprising x 48 no. residential units, access roads, storerooms, extensive landscaping and other associated site works.

Consideration of Minor amendments including:

- ***Small internal reconfiguration of houses 1-2, 8, 21, 22, 43 and 44;***
- ***Updated layouts for house number 15, with basement added;***
- ***Communal stores layout reconfigured as a result of this;***
- ***Communal gym/pool building layout updated;***
- ***External access stairs adjacent to dragon tree removed, with maintenance stair added below;***
and
- ***Vertical slats to south elevation of oak houses removed.***

248/23 – 1555/049 – 263 Main Street -- Proposed re-rendering of west elevation to property to replace tiling on entrance and surrounds on a like-for-like or similar basis.

249/23 – Any other business

The Chairman announced that Martin Cooper would be leaving and that on behalf of the Commission he wished to thank him for his work and service over the years.

MC thanked the Chairman and the Commission for the opportunity to be part of the Commission and that his successor, Karl Freeman should be in place in time for the September meeting.

The meeting concluded and the next meeting was scheduled for 7th September 2023.

Chris Key

Secretary to the

Development and Planning Commission