

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 3rd meeting of 2024 held remotely via video conferencing on 29th February 2024 at 9.30am

Present:

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

The Hon Dr J Cortes
(Minister for Education, the
Environment and Climate
Change) (MEEC)

The Hon Leslie Bruzon
(MICS)
(Minister for Industrial
Relations, Civil
Contingencies and Sport)

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services
Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

Dr K Bensusan (KB)
(Gibraltar Ornithological &
Natural History Society)

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety
Group)

Mr C Freeland (CF)
(Rep Commander British
Forces, Gibraltar)

In attendance:

Mr C Key (CK)
(Deputy Town Planner)

Mr P Cosquiere (PC)
(Town Planning Assistant

Mr J Celecia
(Minute Secretary)

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

Apologies:

Approval of Minutes

69/24 – Approval of Minutes of the 1st meeting of 2024 held on 10th January 2024 and Approval of Minutes of the 2nd meeting of 2024 held on 25th January 2024.

The minutes of the 1st meeting of 2024 held on 10th January 2024 and the minutes of the 2nd meeting of 2024 held on 25th January 2024 were not ready and were deferred to the next meeting to approve.

Matters Arising

70/24 – F/18350/22 – Acelia Cottage, 59 Europa Road -- Proposed refurbishment and extension to dwelling.

PC outlined that the Commission initially deferred the application at the DPC meeting held on 10 January 2024 to allow the applicant to submit revised plans in accordance with Town Planning Departments (TPD) recommendations.

PC confirmed that the applicant had submitted revised plans which had included changes to the original scheme including: retaining the parapet wall and cornicing on the first-floor terrace; adding glazing bars to Juliet balcony on the North elevation; retaining the northern and southern chimneys of the existing property within the development; removing the previously proposed external lift core; removing the previously proposed spiral staircase and pergola on the second-floor terrace; and conducting a tree study to identify existing trees on-site.

PC noted that the revised plans had been consulted on and provided a summary of consultee feedback. PC confirmed that the MfH welcomed the retention of the northern and southern chimney stacks in the project and now had no objections to the revised scheme, as well as setting out that TSD required a geotechnical survey to be submitted prior to works commencing and that the DOE had standard requirements for the project. PC confirmed that no comments had been received from the GHT in respect of the revised scheme.

In respect of the TPD's recommendation PC confirmed that the revised submission effectively addresses and mitigates the TPD's previous concerns and has improved the development and recommended that the application is approved subject to the Tree Survey being cleared by the DOE prior to a Planning Permission being issued and subject to conditions requiring geotechnical issues being addressed and a predictive Energy Performance Certificate (EPC) being submitted prior to the commencement of the development.

CAM confirmed that she endorsed the TPD recommendations on the revised scheme and suggested that the applicant should provide interpretation of Acelia Cottage as part of the development.

JH expressed concerns about loss of green space and the tree study, which Stephen Martinez (SM), on behalf of the applicant, addressed by ensuring that the existing trees will be retained and that there will be no loss of trees.

The application was unanimously approved by Members in line with the TPD recommendations and subject to a condition requiring the applicant to provide historic interpretation of Acelia Cottage as part of the development.

Major Developments

71/24 – O/18766/23 – Victualling Yard Storehouse, Rosia Bay -- Proposed refurbishment of the property and change of use to provide an oceanic display and research centre in Victualling Yard Storehouse including the proposed extension of the building to provide an additional floor.

CK introduced the application, confirming that this outline application relates to the refurbishment of the Main Victualling Yard building, a historic building authorized by the Navy Board in 1807 which was completed in 1812. CK confirmed that the present-day site consists of an enclosed courtyard used as parking for the Gibraltar Veterinary Clinic and Gibraltar Sub-Aqua Club with the Main Victualling Yard Storehouse Building located to the east of the site. CK confirmed that the ground floor of the building has several stores belonging to multiple tenants and dog kennels and there is a light well in the centre of the Storehouse Building, whilst to the west of the courtyard there is a two-storey building which is currently tenanted by the Gibraltar Veterinary Clinic and the Gibraltar Sub Aqua Club. CK went on to confirm that the archway located at the main entrance to the yard is listed and that the site is bounded by Nelson's View's to the north, Parson's Lodge to the west which is also listed and Parson's Lane to the east.

CK outlined that the proposed development focuses on the proposed change of use of the existing first floor and the proposed construction a new second floor with a modern extension to the Victualling Yard Storehouse which comprises: an entrance lobby and reception at ground floor level; 4900 sqm of floorspace for an aquarium with associated research, education and ancillary uses including four studios and a café spread across first and second floors; external terraces at second floor with the northern, eastern and part of the southern terraces to be restricted for maintenance use only and the proposed installation of murals on the west and north elevations of the building.

CK confirmed that the design of the aquarium seeks to preserve the historic nature of the Victualling Yard and that restoration of the first floor will be carried out in a manner that respects the existing architectural features and that the extension has been designed to harmonize with and complement the architectural style of the existing building.

CK informed Members that the applicant has confirmed that an Environmental Management Plan will be submitted in support of any full planning application to address matters such as waste management, water quality, and the sustainable sourcing of animals and supplies and that the applicant has committed to adhere to the standards of the World Association of Zoos and Aquariums (WAZA) for design and exhibit management, that the aquarium will be a member of the European Association of Zoos and Aquaria (EAZA) Public Aquarium Network and that in the event that the aquarium ceases to operate, the EAZA will set in motion through their network, with the support of the Aquarium Management team, rehousing of the animals, ensuring their continued welfare.

CK confirmed that in respect of movement and access: that no car parking will be provided; that the applicants expectation is that most visitors will not use private vehicles to access the site; that the applicant is proposing to provide a dedicated bus service included in the price of a ticket which will connect the aquarium to the city centre, other tourist destinations and hotels; that there will be the establishment of a designated drop-off bay for taxis and the dedicated bus service provided by the aquarium with some Zone 3 car parking lost and that two options have been submitted by the applicant to be tabled at the next Traffic Commission for approval, and that a drop off bay would be in addition to existing drop off bay and would not be exclusive to aquarium visitors (i.e. can be used by existing tenants).

CK confirmed that the application had been subject to public participation and three sets of representations were received. CK confirmed that a further three sets of representations had been submitted, however, these had not been submitted within the deadline for accepting representations, and, therefore, cannot be considered by the Commission.

The Chairman invited Mark Pizarro (MP) one of the objectors, to address the Commission. MP voiced concerns to Members:

- expressing concerns about keeping animals in enclosed spaces and animal welfare;
- highlighting the absence of proper regulations in Gibraltar to oversee this matter;
- raising concern regarding the significant holistic carbon footprint associated with the proposed application; and
- Raising concerns regarding the potential conflict between the aquarium and the existing dog kennels, particularly in respect of noise.

The Chairman invited Alex Dobbs (AD) and the applicant team, including the applicant Jake Julian (JJ) and specialist aquarium designer Antonio Peres (AP) to address the Commission. AP provided a response in respect to concerns raised regarding the points raised in respect of the aquarium and ensuring animal welfare.

MEEC queried the rationale for the project and raised issues regarding animal welfare and how the project will achieve a Net Zero energy building status. AD informed MEEC that they are seeking to maximize the installation of photovoltaic panel amongst other sustainability measures to obtain NZEB status for the project.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- Environmental Agency (EA) – initially required the applicant to provide additional information on the types of animals to be kept and how the aquarium will be run including importation, drainage infrastructure and discharges to the aquatic environment. Confirmed that the applicant subsequently provided additional information in response to these concerns and the EA had confirmed to the TPD that they were satisfied for the outline planning stage subject to the Government holding the applicant accountable to become WAZA and EAZA certified in the future;
- DOE – In addition to information requested by the EA, confirmed that they required a definitive and exhaustive list of all species to be kept and information on how the effluent will be treated to avoid any biological contamination. Despite the applicant providing the additional information, the DOE subsequently confirmed that many of their concerns still stood particularly in respect of discharge of effluent and the location of it, the exact species being kept and the licensing of these to ensure adequate care is provided.
- Ministry for Heritage (MfH) – Confirmed they have no objection to the restoration and adaptive reuse of Victualling Yard, however, raised concerns that the project requires intrusive works to the original building, and they require guarantees that if the project becomes financially unsustainable all the intrusive works will be reversed;
- Ministry of Transport (MoT) – Confirmed that they require a Visitor Management Plan and final details of bicycle parking to be submitted;
- Traffic Commission (TC) – Deferred making a decision on the application at the meetings held on both the 8th December 2023 and 26th January 2024 due to concerns about the

quantity of Zone 3 parking which would be lost as a result of the provision of drop-off bays. Confirmed that there are no objections to the loss of eight motorcycle spaces on Rosia Parade to accommodate the proposal's fire escapes. CK confirmed that discussions between the applicant, the Technical Services Department, the MoT and the TPD are ongoing, and the two Options for drop off bays that have been submitted by the applicant which are to be re-tabled at the next Traffic Commission meeting;

- TSD – confirmed that they had no objections to the proposed development and
- Confirmed that the GHT, Gibraltar Tourism Board (GTB), and Ministry for Equality (MoEq) have not provided any comments in respect of the proposal.

CK presented the TPD's planning assessment of the application, confirming that the TPD:

- has no objection to an oceanic display and research centre on this site;
- support the proposed regeneration of the Victualling Yard Storehouse and consider it is a development that would improve the tourism offer in Gibraltar and would form a cluster of attractions in this part of Gibraltar;
- that the outline proposal sensitively integrates into the existing Victualling Yard Storehouse building so that there is no significant adverse impact or effect on the existing building, surrounding heritage assets or wider neighborhood;
- that whilst the additional floor is clearly a contemporary addition to the Victualling Yard Storehouse, consider that the design respects the existing architectural features and is designed so that the changes can be reversible;
- consider that the applicant has taken adequate measures to ensure that there is no adverse effect on neighbouring uses by limiting the second floor northern, eastern and part of the southern terrace to maintenance use only;
- consider that whilst there is no objection to the principle of the installation of the external fish murals, there are concerns regarding the scale of the murals shown in the current plans as these could adversely affect the setting of surrounding heritage assets and full details of the proposed murals will need to be submitted for approval in support of an application for full planning and worked up in discussion with the TPD and heritage stakeholders;
- acknowledge that whilst concerns have been raised regarding the proposed operation of the aquarium as well as the issues of regulating an aquarium in Gibraltar and the issue of animal welfare, it should be clarified to Members that it's not the remit of the DPC to regulate the operation of an aquarium, nor is it a material consideration when determining a planning application, nevertheless, if outline planning permission is granted by Members it should be conditioned so that the applicant is required to liaise with both the DOE and the EA prior to submission of the application for full planning permission and all information required is submitted in an Environmental Management Plan;
- note concerns relating to the discharge of effluent and if approved the TPD recommend outline permission should be conditioned to require a detailed effluent treatment strategy to be submitted in support of any application for full planning permission;
- consider that limiting access to the Victualling Yard Courtyard to pedestrian use only for aquarium visitors is appropriate and does not unacceptably impact the operations and amenity of other Victualling Yard users;
- if approved, arrangements for a drop off/pick up bay must be agreed with the pertinent authorities, prior to the submission of a full planning application;

- has concerns about the presence of studio units in the development to accommodate visiting professionals and consider that there is a greater than acceptable likelihood that the studio flats will be used beyond the stated intentions and that there is ample alternative accommodation elsewhere in Gibraltar for any visiting professionals and that this element of the scheme should be omitted; and
- consider that the waiving of parking standards is appropriate in the context as the applicant will be providing a bus service for visitors to the aquarium and the applicant has indicated that cycle parking will be provided.

CK confirmed that overall, the TPD consider the Commission should resolve to approve the application subject to waiving the car parking Regulations for the site and the consideration of the revised drop off and pick up bay proposals being considered by the Traffic Commission. CK confirmed that the Outline Planning Permission would be subject to conditions set out in the planning assessment.

KB expressed skepticism regarding the alignment of the business model with Gibraltar's tourist framework.

CAM emphasized the uniqueness of the building and acknowledged its non-listed but heritage-rich status. CAM recognized the building's poor condition and underscored the need for refurbishment and that the proposed murals needed revisiting. CAM confirmed that the GHT are tentatively supportive of the extra floor but only with strict conditions of use to support activity for the function and management of the aquarium. CAM confirmed that there would need to be detail of the practicalities and achievability of the design that would minimise attachments, using a method agreed with heritage bodies and location of supports to mitigate for any loading on the historic structure. CAM also noted that the scheme also proposed the removal of a section of barrel vaults in two locations, and if approved by the Trust this would be only against tight methodology that allowed for its reversibility.

HM voiced concerns about parking and transportation to and from the aquarium. CK addressed transportation matters, specifically the bus service to the area, noting that the MoT has requested a Visitor Management Plan.

JH highlighted traffic, transport, and access considerations for the application, including noise concerns arising from the dog kennels, worsening from partially covering by top floor. Supported and agreed with Veterinarian Mark Pizarro's assessment of the project as well as MEEC.

MEEC underscored the necessity for the Government of Gibraltar to enact laws related to aquariums and that given the current information, he suggested that obtaining licenses for the application is unlikely.

JJ, the applicant, addressed concerns raised by Members regarding the business model, transportation plans, and parking issues during the summer. JJ emphasized the shuttle service and taxis to the location, reiterating concerns about parking. JJ concluded by presenting the broader aspects of the aquarium, its construction, and its vision.

In response to the Members' concerns about the applicant's business model, AD provided approximate construction figures. Whilst Members questioned the accuracy of the refurbishment costs, AD committed to forwarding the Quantity Surveyors report to address these concerns.

MEEC raised concerns regarding the rationale for the project and concluded that insufficient information is available regarding the viability and other crucial aspects of the project.

The Chairman took the opportunity to confirm that whilst there are a number of issues to be addressed, the purpose of an outline application is to establish the principle of a development, and the Commission needs to weigh up the benefits of the development in terms of expanding the tourism offer of Gibraltar which is a specific policy of the Gibraltar Development Plan and the refurbishment of a building which has been left in a bad state of repair for a very long time, against issues to resolve including access, which will be an issue for any use of the building and that an organized shuttle system like the one proposed is a good one.

The Chairman motioned for a vote on the application.

For: 5

Against: 5

Abstention: 1

As there was a tied vote the Chairman, used his casting vote in favour of the application.

The application was approved subject to the conditions set out in the TPD recommendations.

72/24 – F/19030/23 – 9-15 Bayside Road -- Proposed construction of Phase 1 of the Bayside Central Development comprising the construction of the basement car parking and ancillary facilities, with access/egress via Bayside Road.

CK set out that this is a full application for Phase 1 of the Bayside Central development on the former site of Bayside and St Anne's Schools. CK confirmed that the full application followed on from the grant of outline planning permission by the Commission for the Bayside Central mixed-use development in June 2023 and subsequent demolition permission approved in July 2023 which including a Tree Survey which was cleared by the DOE and has been adhered to during demolition works.

CK confirmed that the Phase 1 proposed works included the construction of the foundation slab for the entire development as well as two basement-parking levels with access ramps to street level, and the relocation of on-street parking to the rear of the site and that the construction program for the works is 14 months.

CK confirmed to Members that the decision to split the application into two phases followed discussions between the applicant and the TPD.

CK explained that Outline Planning Permission was granted with a condition (Condition 27) which required the applicant to demonstrate to the Airfield Operator, by means of an Aeronautical Study, that the project will not prejudice the safe operation of Gibraltar Airport.

CK noted that the applicant has confirmed that work on the Aeronautical Study and OLS derogation is ongoing and that submitting a separate planning application for the basement car park and ancillary facilities will allow the applicant to commence groundworks on the site whilst continuing the OLS derogation process. CK confirmed that the full planning application for Phase 2 of the development will be submitted once the OLS derogation process has been completed.

CK confirmed that the full application had been supported by a Transport Impact Assessment and that access to the underground car park has been revised from the proposal at outline planning which would have required vehicles exiting the car park to pass through the Glacis Estate via St Anne's Road. CK confirmed that vehicles accessing the underground car park will now enter and exit via a ramp onto Bayside Road which will remove most of the operational traffic associated with development from the Glacis Estate and that this arrangement has been developed by the applicant following several meetings with the Highways Section of the TSD, the MOT and the TPD.

CK confirmed that 435 car parking spaces are to be provided in excess of the Town Planning Regulations, that replacement on-street parking provision, accessible parking bays, and Pay & Display Zone from Bayside Road are to be provided on the Bayside Central Service Road to the south of the site accessible from St Anne's Road, with motorcycle parking to be provided in the area between Ocean Spa Plaza and the Bayside Central Development and that 11 x drop off bays are to be provided along Bayside Road.

CK noted that Environmental Studies including Sustainability Report / Geotechnical Study and Preliminary Risk Assessment had been submitted in support of the application and cleared by necessary Departments, and that a Cultural Heritage DBA had been submitted which confirmed the need for an AWB during groundworks.

CK confirmed that full public participation was not required as this application followed on from an approved outline application.

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DOE - confirm sustainability assessment will need to be assessed against full application and the overall development will need to be net zero and confirm that the other environmental documents submitted in support of the Phase 1 application have been reviewed and are considered to be acceptable;
- MfH - confirm that they agree with mitigation measures set out in the DBA and require and Archaeological Watching Brief (AWB) to be undertaken during ground works and excavations;
- MoT - confirm that they require further details to be submitted by the developer to satisfy the needs of the immediate area with regards to drop-off/ pick-up points as well as the requirement to re-provide the accessible bays on the northern boundary on the site opposite the Sports Hall without compromising the public thoroughfare and footpaths on the northern boundary and require provision of sheltered on-street cycle parking for visitors;
- TC - confirm that they have deferred making a decision on the application for the applicant to extend the layby on Bayside Road to accommodate additional accessible parking and drop off bays to serve the public amenities at Victoria Stadium Sports Complex;
- TSD - confirm they have no architectural or technical objections to the development, however, note that the 14-month construction time to build underground basement car parking might prove to be excessive and every care should be taken to mitigate such inconvenience to the surrounding neighbourhood; and
- The GHT and Ministry of Equality (MoEq) had not provided comments in respect of the application.

CK presented the TPD's planning assessment and recommendations for the application, noting that it generally aligns with the Outline Application and addresses necessary conditions for Phase 1.

CK confirmed that the TPD consider that the visual impact of Phase 1 is deemed to be minimal and limited to the access ramps which will eventually be covered by the Phase 2 development.

In respect of construction noise CK referred to the concerns raised by TSD regarding the 14 month construction period and need to mitigate inconvenience on surrounding neighbourhood and noted that the Noise Management Plan submitted in support of application includes various options to mitigate against noise emanating during construction and that the TPD considers that the final Noise Management Plan will need to be submitted for approval once the contractor has been appointed and will need to include the final mitigation measures to minimize impact on residential amenity as much as possible during construction.

CK confirmed that the TPD welcomes the changes to access and egress to the development that have been developed between the applicant, the MoT, the Highways section of TSD and the TPD and consider that the impact of traffic movements from this development on residents of the Glacis Estate will be greatly reduced.

CK noted that the applicant had submitted proposals to re-provide parking at the south of the site on the Bayside Central Service Road and to provide 11 drop-off bays on Bayside Road following clarification and submission of a revised layout by the applicant. CK confirmed that this proposal had been consulted on and TPD had received specific feedback from the MoT which needed to be addressed by the applicant and involves the provision of three accessible bays opposite the site and close to existing sporting facilities on Bayside Road and advised that the TPD consider these points to be valid.

CK confirmed that overall, the TPD consider that the proposed development generally complies with planning policy and the conditions of the Outline Planning Permission and recommends that the Commission should resolve to approve the application, subject to:

- the submission of revised plans which adhere to the MoT recommendation in respect of drop off bays and accessible parking bays on Bayside Road; and
- conditions to address the points raised in the planning assessment and consultee feedback which were circulated to Members in the DPC Paper

JH raised queries regarding the public participation process, prompting CK to provide clarification. JH sought further information from the applicant regarding the environmental assessment, with a specific focus on contamination.

The agents, Hernan D'Adamo and Phil Perez responded by stating that comprehensive reports on soil and water beneath the site have been conducted, revealing no identified contaminants and that any unforeseen contamination discovered during construction will be managed and addressed safely.

MEEC emphasized the significance of effective traffic management in the designated area and added a supplementary point about the importance of swift preservation.

The Chairman elaborated on the presence of trees on the site and outlined plans for the relocation of these trees.

The application was unanimously approved subject to the submission of revised plans to address the MoTs recommendations prior to a Planning Permission being issued.

73/24 – O/19022/23G – North Mole Road (Adjacent to Gea Power Station) -- Proposed removal of existing back up diesel generator and replacement with new battery energy storage system (class b2) and new south boundary wall.

CK stated that this is a 3,000 square meter brownfield site adjacent to the North Mole Power Station within the Gibraltar Port which currently houses temporary backup diesel generators, fuel storage containers, power generator containers, and ancillary infrastructure.

CK explained that the proposed development involves the removal of the existing backup generators on the site including the existing housings and associated installations, supporting structure frames, the existing access platforms and existing southern boundary wall, which will be replaced with a new Battery Energy Storage System (BESS) which aims to provide environmental betterment, reduce air pollution emissions and noise pollution and increase the resilience of Gibraltar's electricity network via a non-diesel fueled storage equivalent.

CK noted that decommissioning will be done in batches, with the southern segment replaced first, and replaced by the BESS, whilst the generators in the northern segment remain in-situ. Once the BESS is successfully implemented and its reliability tested, the remaining generators, fuel containers and fuel processing facilities will be removed. CK explained that the works also include connecting the battery energy storage system to North Mole power station and Waterport substation, as well as the installation of new pedestrian access gates and boundary fences.

CK noted that the applicant had submitted an Environmental Screening Report (ESR) in support of the application and that the TPD had reviewed and consulted on the ESR and prepared a Town Planner's Screening Opinion which confirmed that the proposals did not constitute an EIA development on the basis that a number of reports including a Construction Environmental Management Plan (CEMP), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Dust Control Plan and a Sustainability Report are submitted in support of any full planning application.

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

CK presented a summary of the consultee feedback that had been received in respect of the application:

- DCA – confirm that they have no objections subject to an Aeronautical Study being submitted in support of the full application;
- DOE – confirm that replacing the existing back-up diesel with the proposed installation would result in an overall environmental improvement as it would eliminate existing emissions and require the reports identified in ESR to be submitted in support of any full application;
- EA – confirm that they have no objections, however, require the submission of a CEMP and Dust Control Plan in support of the full application;
- GFRS – confirm that they have no objections subject to a Fire Strategy being submitted in support of any full application;

- Gibraltar Port Authority (GPA) - initially objected to the proposed development due to concern about the size and internal arrangements of the site as well as safety, security and the proposed access points, however, following discussions with the designers, it is now minded to withdraw objections now that an area of land within the site to be allocated for GPA purposes and that access to the site through the North Mole Road access point to be used solely as emergency access and that the main access to the site should be via Neil Pinero Road during normal operations. The GPA also confirm that they should be consulted prior to commencement of the development to deconflict with operations in the Port estate as much as possible; and
- TSD – confirm that they have no objections to subject to the CTMP being developed in conjunction with the Highways Section of TSD.

CK confirmed that there have been no objections from the GHT, LPS, the MfH, and the MoT in respect of the proposed development whilst no comments had been received from the Defence Land Agent, the Gibraltar Electricity Authority or the Gibraltar Tourist Board.

CK presented the TPD's planning assessment of the application, confirming that the TPD welcomes the removal of existing diesel backup generators and the introduction of a new BESS which has environmental benefits such as reduced air and noise pollution. CK also noted that the proposed development will increase the resilience of Gibraltar's electricity network and could reduce power generation disruptions and welcomed that the proposed development will lead to a visual improvement in this area as the replacement containers will be single stacked as opposed to double stacked as per the existing situation and will be screened by the replacement wall which will follow the design of the existing adjacent wall in front of the Power Station.

CK recommended that Members resolve to grant outline approval subject to conditions requiring the plans to be developed to incorporate the allocated area for GPA use and that access to the site through the North Mole Road access point to be used solely as emergency access, and site to only be accessible via the access point on the Neil Pinero Road during normal operations, as well as the requirement for an Aeronautical Study and the reports and information set out in the Town Planners Screening Opinion to be submitted in support of the full application.

JH advocated for the removal of the skid generators and sought clarification on the construction timeline for the scheme.

The Chairman introduced the applicant and their team, Solar Century Africa, to address the Commission. Luca Santoni confirmed that following the installation of the base, a testing phase of 3-4 months will take place and that upon successful testing, the remaining skid generators will then be removed. LS informed Members that the approximate timing was July 2025.

MEEC suggested the consideration of photovoltaic panels to be installed on the BESS. The Chairman confirmed that this would be included as a condition on the Outline Planning Permission.

The application was approved unanimously subject to TPD recommendations, and the additional condition for the applicant to consider the inclusion of photovoltaic panels within the development.

Other Developments

74/24 – O/18565/22 – 7 Morello's Ramp -- Proposed redevelopment of existing residential villa and the construction of three additional town houses to provide four town houses on the site.

CK confirmed that this outline application had previously been tabled at the DPC meeting held on 7 September 2023, where Members had agreed with the TPD recommendations that the original scheme was an overdevelopment of the site and required substantive revisions in order not to affect the visual setting of this part of the Old Town or impact the heritage value of Raglans Battery. CK outlined that to address these concerns, Members had resolved for the TPD to issue a modification order for the applicant to submit revised plans for a reduced scheme on the site which would:

- retain the Warrant Officer Quarters making it the focal point of the development and with the rest of the development being subservient to it;
- clearly differentiate the new development from Warrant Officers quarters making it the focal point with the development;
- restrict the new development to the curtilage of the site already built upon as per the area depicted on the plan shown to Members at the previous DPC meeting;
- respect the setbacks from the monument and the rear residential buildings;
- confirm that the area to the south could form part of the curtilage of the dwelling(s) for use as open space with appropriate landscaping;
- ensure that there is variation in building heights to provide visual interest and to break up the massing of the proposed development; and
- address the overall scale, mass, height and reduction in density of the development.

CK confirmed that the applicant had now submitted a revised scheme with two options. CK set out that the key changes in the overall proposal included: reducing the number of townhouses from four to three; aligning the scheme with TPD's suggested footprint; setting back the development from Ragland's Battery and in line with the Warrant Officers quarters; replacing 'Mansard Roofs' with varied roof terraces, confirming that the space between townhouses and the residential property to the rear is between 3.1 to 3.7m; changing the proposed cladding design from a brick slip type to an off-white render to make the Warrant Officers quarters the focal point of the scheme; adopting a naval blue finish for all fenestration in the development, using traditional railings instead of glass balustrading; installing conservative patio doors; retaining the Tower for storage in lieu of the previously proposed lift; repurposing the bunker into communal space; converting the space where Townhouse 4 was proposed into a communal space with decking and a raised lap pool and greater landscaping, and incorporating additional 'sedum' roofs to the rear of the property to increase biodiversity.

CK highlighted that the one key difference between the two options for Town House 3 was that Option A had a partially covered terrace and Option B had a fully covered terrace.

CK confirmed that the objector had been notified of the revised plans and had submitted further representations confirming that their previous representations were still valid and equally apply to this proposal and noted that the main difference between two Options is that roof terrace of Town House 3 is enclosed in one of them. CK went on to note that in the

representations the objector confirms that they object to the revised proposals on the basis that they:

- consider that should any development be permitted, it should be limited to the existing built footprint of the property and would in effect mean limiting a development to two x townhouses only;
- consider Option B for Town House 3 has a greater impact than Option A on their views, light, and reduction in air circulation; and
- note that Option A for Town House 3 has an open roof terrace 3.1m from the objector's windows and consider this would result in encroachment issues with the added possibility of structures appearing on the terrace in the future.

CK went on to confirm that the agent had submitted counter representations in respect of the objector's further representations and within these confirm that both Options A and B have the same footprint with the only difference being the Option B – roof terrace; that in developing the revised scheme they have followed the footprint recommended by the TPD; that the revised scheme provides more than the minimum requirements established by Town Planning in the Old Town in respect of distances between buildings; that they are willing to introduce screening on property boundary to address privacy concerns raised by applicant in respect of terrace if the TPD request it; and consider that the points raised by applicant are catered for in the revised design.

CK provided a summary of the consultee feedback that had been received in respect of the application confirming that the DOE require that a predictive EPC and Sustainable and Renewables Assessment would need to be submitted in support of a full planning application as well as details of integrated bat and bird nesting sites; that the MfH note the revised design, consider that it aims to differentiate the new development from the already existing building and do not have significant concerns with the revised proposals subject to an Archaeological Watching Brief (AWB) being undertaken and that LPS and the TSD have no objections to the revised submission.

CK presented the TPD's planning assessment of the revised scheme, confirming that the TPD appreciates the incorporation of their past recommendations and the resolution of concerns from the initial proposal presented to Members. CK confirmed that the reduced scheme better assimilates with the site and surroundings in this part of the Old Town, emphasizes the Warrant Officers quarters as a prominent feature of the development and has sensitively used setbacks and a range of heights and design features whilst generally keeping to the footprint suggested by the TPD.

CK went on to confirm that the TPD consider that the revised scheme has been sensitively designed to include appropriate setbacks from Raglans Battery, minimise intrusive uses to the north of the site and provides a meaningful setback between the terrace of Town House 3 and the objectors property to provide a development which the TPD can support.

In respect of the Options for Town House 3, CK confirmed that the TPD considers that Option A is acceptable and is considered to suitably addresses any amenity issues in respect of the objector's property and that the TPD would not support Option B as it is.

As there appeared to be differing views by Members, the Chairman proposed to firstly vote on the application as submitted, and if that was approved, then a second vote would be taken on whether to approve the scheme with the partially covered terrace to House 3 (Option A), or the fully covered terrace (Option B).

The first vote was taken with the following result:

In favour – 10

Against – 0

Abstentions 1

A second vote was taken on approving option A with the partially covered terrace for House 3.
The result was:

In favour – 5

Against – 5

Abstention – 1

As there was a tie in votes the Chairman used his casting vote to vote in favour of approving Option A with the partially covered terrace.

75/24 – F/18869/23 – 6 Prince Edwards Gate Views -- Proposed extension to building on existing roof terrace to form an additional apartment.

CK confirmed that the site involves the existing sixth floor roof terrace at the rear of the Prince Edwards Gate Views residential development in the Old Town which is positioned adjacent to the protruding lift overrun and stair core, which forms the tallest element of the development. CK outlined that the development proposals comprise the construction of a single-storey extension which would accommodate a two-bedroom flat with a balcony, set back a meter from the west elevation of the existing building and would sit below the height of the adjoining lift overrun.

CK confirmed that the wider Prince Edwards Gate had a complex planning history, undergoing numerous revisions, including additional storeys and incremental height increases. CK stressed that the Commission deemed the final scheme, approved in 2017, at the limits of acceptability and despite efforts to integrate into the Old Town's architectural context, the TPD raised concerns, particularly regarding the lift core's verticality, which was perceived as overbearing. CK noted that there was a split decision on the final scheme with the application eventually being approved by use of Chairman's casting vote.

CK confirmed that the application was subject to public participation and that one set of representations had been received from the Management Company.

The Chairman invited Jackie Anderson (JA) who represented the Management Company to address the Commission. JA explained the objections by firstly citing the under-lease restrictions on terraces, prohibiting construction and changes to the building's facade. JA also noted concerns from the head lessor about potential trespass and highlighted restricted covenants regarding alterations. JA asserted that completing the proposed works could negatively impact property value and emphasized logistical challenges, including extensive construction and limited lift accessibility for certain properties.

The Chairman invited Stephen Martinez (SM), the applicant's representative, to address the Commission. SM rebutted the points that had been raised regarding public participation, land ownership, and the applicant's willingness to discuss objectors' concerns. SM emphasized the

proposed scheme's potential for improving the area compared to its current use as a roof terrace and pointed out that other works in the area have similarly contradicted leases and covenants.

CK continued with his report by outlining the feedback from consultees confirming that the DOE recommended that PV panels and integrated bat and bird nesting sites are installed and that the MfH has raised no objections in respect of the proposed development. CK also noted that LPS has confirmed that this is a freehold property and that the TSD has architectural objections to the proposed development on the basis that it will dilute the original design intention of the building and merely adds an extra unit.

CK presented the TPD's planning assessment of the application confirming that a Visual Impact Assessment had been undertaken as part of assessing the impact of proposals from a number of locations, and this has shown that the proposed development will result in a visual impact from a number of locations and whilst the proposed extension is small scale, when considering the wider development, it will be prominent.

CK reiterated that the TPD previously identified the lift core to be a very vertical element within the existing townscape and was perceived at the time it was proposed to be overbearing when negotiating the various incremental increases in height that were put forward at the original project development.

CK stressed that the TPD considered that this extension would add to this, making the vertical element of the development even more excessive and overbearing and the construction of the extension would work against the original design concept of the development and dilute it by pulling the building even more upward, distorting the stepping of the rear elevations and the currently achieved balance of the individual towers referenced to their respective surrounding buildings with defined building and roof heights.

CK confirmed that the TPD considers, in planning terms, the building is already at the limits of being an overdevelopment and any additional storey extension, regardless of its scale and extent, would lead it to being overbuilt and overdeveloped, would not be sympathetic to the existing building design and does not enhance the character of the area and would therefore be contrary to Policies H7 of the GDP and OTC 1 of the Old Town Plan and recommended to Members that the application should be refused.

MEEC confirmed that he concurred with the TPD recommendation, and the proposed development will result in an additional visual impact.

The application was unanimously refused by the Commission.

76/24 – F/18916/23 – 2 Governor's Parade -- Proposed installation of pergola with glass curtains to cover existing ground floor veranda terrace.

CK confirmed that the site comprises an external ground floor seating terrace which forms part of the Eliot Hotel and whilst it is a private terrace, it forms part of the wider Governor's Parade public open space.

CK confirmed that the listed Queen Victoria Memorial is located on the Northwestern corner of the terrace and that Governor's Parade, including the application site, forms part of a "key

site" identified in the Old Town Plan for an environmental improvement scheme for Governor's Parade and the Piazza.

CK confirmed that the proposal comprised the installation of a bioclimatic pergola with curtain glazing, which will allow the hotel to serve food in the winter as well as the summer months.

CK noted that the Commission previously refused an application in December 2019 to remove and replace existing structures in Governor's Parade with a more substantial permanent structure with glass panels, on the basis that the structure was considered to be out of character, and the proposal was premature, as it would adversely affect plans for the environmental improvement of an important public amenity and lead to the permanent loss of open space, although the placing of tables and chairs with awnings had been permitted subject to a special legal agreement so that the structures can be removed on demand.

CK provided a summary of the consultee feedback confirming that the GHT objected to the proposed development on the basis that the proposals will change the character of the square and the Queen Victoria Memorial and confirming that a holistic approach needs to be undertaken in respect of the beautification of the square and needs to be be-fitting of its location. CK also confirmed that the MfH had raised concerns that allowing the proposal could set a precedent for further pergolas in Governor's Parade and that DOE and the TSD had raised no objections.

In respect of the TPD's recommendation CK confirmed that the proposed pergola with glass curtains would be a permanent substantive structure and very different to the existing tables and chairs with shading umbrellas currently located on the site, and that the development is considered to directly affect the setting of the Queen Victoria Monument.

CK confirmed that the recommendation of the TPD was to refuse the application on the grounds that the pergola is considered to be unsympathetic and would provide a sense of enclosing the monument which is currently located in an open area and forms a focal point within Governor's Parade and that the proposal is also considered to change the character of the wider Governor's Parade and the historic buildings which line it and would result in the loss of existing open space.

MEEC confirmed that he agreed with the views of the Trust and the TPD's recommendation.

The Chairman invited the applicant, Mary Kinch (MK), to addresses the Commission.

MK outlined to Members that the rationale for the pergola is to enable the hotel to serve food on the terrace all year round, whilst assuring that they are not covering the Queen Victoria Monument and confirming that the design of the pergola is not like the others in Governor's Parade and will form a nice addition to the square.

The Chairman thanked MK.

The Chairman stated that the recommendation was to refuse the application and asked if any members did not agree with the recommendation. All members agreed and the application was unanimously refused.

Minor and Other Works– not within scope of delegated powers

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

77/24 – F/18719/23 – 1 Library Villas, 14 Library Gardens -- Proposed internal and external alterations to property including construction of roof level terrace and conversion of second floor attic into habitable room with en-suite and proposed dormer window to allow access onto proposed terrace as per approved arrangement on adjacent property.

CK provided a summary of the proposals at the request of CAM. CAM confirmed that the scheme had been revised as the Trust had hoped.

This application was approved.

78/24 – F/18851/23 – 3 Phillimore House, Buena Vista Estate -- Proposed installation of awning and side awning on front balcony of the property.

This application was approved.

79/24 – O/18953/23 – 4 Alma House, 311 Main Street -- Proposed conversion and change of use of the residential duplex apartment (Class C3) into offices (Class B1) for Turicum Bank including refurbishment and roof extension, with new link connection to Turicum House.

This application was approved.

80/24 – F/19040/24 – Cathedral of St Mary the Crowned, 215 Main Street -- Proposed roof replacement and installation of roof access hatch.

CAM confirmed that these works would require a Heritage License. The Chairman confirmed that this requirement would form a Planning Condition on the Planning Permission.

This application was approved.

81/24 – A/18934/23 – 3 Engineer Lane -- Proposed installation of 3D lettering and Coat of Arms

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.

82/24 – F/16357/19 – 18-20 Town Range -- Proposed conversion of ground floor rear workshop and rear storage unit to residential use, construction of extension and associated internal and external alterations to refurbish property.

Consideration of railings and landscaping to discharge Condition 2 and Condition 8 of Planning Permit No. 7475B.

83/24 – F/17637/21 – Flat 2, 55 Flat Bastion Road -- Proposed loft conversion and storey extension involving refurbishment of building, new solar panels and green roof elements and new terraces.

Consideration of revised proposed plans to comply with Subcommittee recommendations.

84/24 – F/18404/22 – 62B Flat Bastion Road -- Proposed refurbishment and re-modelling existing house and garden with additional floor.

Consideration of revised plans omitting encroaching windows.

85/24 – F/18405/22 – 602 Basha Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

86/24 – F/18542/22 – Flat 4, 15-19 South Barrack Road -- Proposed single storey extension with roof terrace.

Consideration of revised proposals for parapet wall to discharge Condition 2 of Planning Permission No. 8593.

87/24 – F/18740/23G – Europort Avenue, Europort Road and Eurocity Passage -- Proposed pedestrianisation and beautification works, converting Europort Avenue into one-way road, introducing bicycle lane, amenity spaces, kiosks, lighting, landscaping and further improvements.

GoG Application

Consideration of details to discharge of conditions 6, 8, 16 and 18 of Planning Permission No. 8749.

JH enquired about this item. The Chairman explained that this related solely to the discharge of conditions for Phase 1 of the project and confirmed that any deviations from the development would be brought to the attention of the DPC. CK provided an overview of the items that had been considered which included landscaping, signage, public furniture and screening details and confirmed that separate planning applications would be submitted for the kiosks on Europort Avenue.

88/24 – F/18865/23 – Camp Bay Road -- Proposed construction of new refuse bin enclosure containing 4 x 1100 litre refuse bin containers.

89/24 – F/18870/23 – 14/15 The Island, Queensway Quay -- Proposed removal of second floor balcony partition wall.

90/24 – F/18968/23 – Commercial Units, Eurocity Passage -- Proposed change of use of existing units to shops (Class A1) and/or food and drink (class A3) and external alterations including installation of shop fronts.

91/24 – F/18970/23 – House 14, Shorthorn Farm Estate Europa Road -- Proposed removal of existing landmass in private garden replaced with a new reinforced concrete structure for supporting the existing retaining wall and installation of a new metal staircase to access St Bernard's Road.

92/24 – F/18978/23 – 12/1 City Mill Lane -- Proposed conversion of office premises into a residential unit.

93/24 – F/18982/23 – 19 Horse Barrack Lane -- Proposed change of use from barber shop to patisserie shop.

94/24 – F/18986/23 – 43/2A Governor's Street -- Proposed conversion works of store and apartment into single residential unit.

95/24 – F/18987/23 – 43/6 Governor's Street -- Proposed minor internal alterations and refurbishment including new windows.

96/24 – F/18988/23 – 51/4 Governor's Street -- Proposed subdivision of existing apartment into two apartments.

97/24 – F/18990/23 – 4 Marigold House, Waterport Terraces -- Proposed installation of air conditioning units.

98/24 – F/18991/23 – 1 Clifftop House, Windmill Hill Road -- Retrospective application for the formation of a small-tiled terrace and the proposed installation of a sturdy railing fence around the terrace.

99/24 – F/18992/23 – 10 Quay 27, King's Wharf -- Proposed installation of awning on balcony.

100/24 – F/19011/23 – Unit G6, Ground Floor, ICC Casemates -- Proposed refurbishment and subdivision of the existing commercial unit including minor internal fitting out alterations and installation of fascia signage.

101/24 – F/19013/23 – 401 Forbes 1848, 44-46 Devil's Tower Road -- Proposed installation of glass curtains.

102/24 – A/18965/23 – Holland & Barrett, 160 Main Street -- Proposed installation of replacement fascia sign and projecting sign.

103/24 – A/18983/23 – NP Estates, 31/33 City Mill Lane -- Proposed installation of fascia sign.

104/24 – A/19053/24 – 9-15 Bayside Road -- Proposed hoarding advertisement.

105/24 – A/19063/24 – Café Louis, 184 Main Street -- Retrospective application for installation of sandwich board.

106/24 – A/19083/24 – Parson Lodge, Rosia Road (Natural History Museum) -- Proposed installation of banner to promote a World Wildlife Day event.

107/24 – MA/18898/23 – Europlaza Building Rear Service Road -- Proposed construction of stores for residents of Europlaza.

Consideration of minor amendments including:

- *Addition of four additional stores.*

108/24 – MA/18901/23 – House 10, 8 Naval Hospital Hill, Atlas Views -- Proposed extension, alterations and refurbishment of property.

Consideration of Minor Amendment including:

- *Reconfiguration of residential unit throughout due to incorporation of new lift.*

109/24 - Any other business

JH enquired about item 87/24, F/18740/23G. The Chairman explained that this related solely to the discharge of conditions for Phase 1 of the project and confirmed that any deviations from the development would be brought to the attention of the DPC. CK provided an overview of the items that had been considered which included landscaping, signage, public furniture and screening details and confirmed that separate planning applications would be submitted for the kiosks on Europort Avenue.

No other business was raised by Members.

The meeting concluded and it was confirmed that the next meeting would be held on 21st March 2024.

Chris Key

Secretary to the

Development and Planning Commission