

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes of the 11th meeting of 2024 held remotely via video conferencing on 10th October 2024 at 9.30am

Present:

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

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

The Hon P Orfila (MH)
(Minister for Housing)

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 S Benson (SB)
(Rep Commander British Forces, Gibraltar)

Mr C Key (CK)
(Deputy Town Planner)

Mr R Láposi
(Minute Secretary)

Apologies:

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

The Hon Dr J Cortes (MEEC)

APPROVED
10 October 2024

(Minister for Education, the Environment and
Climate Change)

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

Approval of Minutes

350/24 – Approval of Minutes of the 10th meeting of 2024 held on 5th September 2024.

The Minutes of the 10th meeting of 2024 held on the 5 September 2024 were approved.

Matters Arising

351/24 – F/19245/24 - 2 Rosia Cottage, 38 Rosia Road -- Proposed construction of a side extension to the house as well as associated minor internal and external alterations.

Consideration of revised plans.

This item was deferred due to certain legal matters arising following the submission of an appeal by the objector and that the Town Planning Department (TPD) are awaiting a response from the Development and Appeals Tribunal (DAT) regarding the matter.

Major Developments

352/24 – F/19295/24 – 9-15 Bayside Road -- Proposed construction of phase 2 of the development comprising the mixed-use development of residential accommodation, commercial office space, retail units and associated amenities.

CK briefly reminded the Commission of the details of the Phase 1 development that had already been approved by Members and followed this with a description of the Phase 2 development which forms the basis of this application. CK confirmed that the Phase 2 proposals include the phased construction of six buildings (A to F) with differences in heights and massing varying between 10-13 storeys in height. CK went on to confirm that there are three x standalone buildings (A-C) in the front for residential and retail accommodation and three x buildings linked by a multi-storey podium (D-F) containing residential, retail and office accommodation and a common amenities area. CK went on to confirm that the Phase 2 development includes 313 x residential units, circa 3000 sqm retail floor space and 14,000 sqm office floor space and includes provision of a motorcycle parking and Mechanical Equipment Pavilion on the south-western boundary of the site.

CK advised the Commission on the design changes including the reconfigured massing to comply with the OLS which had resulted in reduced ceiling heights, the removal of a storey of accommodation from buildings C, D and E and an additional storey of accommodation added to building F. CK confirmed that the public elements within the scheme had undergone a comprehensive review and had introduced a sculpture on east, a water feature on west, installation of a circular lightweight structure marking a focal point in middle and street furniture across the piazza. CK also confirmed that the motorcycle parking will have a pavilion installed above it to house the centralised HVAC system and that this structure would also assist in screening the unrendered wall on the Ocean Spa Plaza building that has been exposed following the demolition of St Annes School.

CK advised the Members that all vehicular movement and access aspects of the development were approved by the Commission as part of the Phase 1 application for the site and that waste facilities had been finalised with the provision of a centralised waste room at the bottom

of Building F which would be serviced by a dedicated waste layby for pick up on the Bayside Central Service Road.

In terms of impact of changes, CK informed that the reduction of height of buildings have had a beneficial impact of long-distance views and that a detailed material palette has been provided for the scheme.

CK highlighted that the relevant information to satisfy the planning conditions on the Outline Planning Permission had been submitted which included a soft landscaping strategy with the tree recommendations carried forward to this scheme which included planting 31 x new trees in the piazza and surroundings which would be supplemented with other vegetation in public spaces and balconies. CK also confirmed that the applicant had submitted a detailed sustainability report which confirmed the maximisation of passive active strategies including sunlight and natural light optimisation and reducing energy demands and also included the use of active strategies including the installation of photovoltaic (PV) panels, rainwater harvesting and greywater reuse.

CK confirmed that the applicant would be installing 24 x swift boxes and three x sparrow boxes on Archbishop Amigo House as the site has been identified as not being suitable for bird nesting due to its proximity to the runway and airfield.

CK advised the Commission that a Construction Environmental Management Plan (CEMP), Construction Traffic Management Plan (CTMP), a Dust Control Plan, an Operational and Environmental Management Plan (OEMP) and a Waste Management Plan (WMP) had been submitted, and that these reports were considered to adequately set out the appropriate measures to manage the environmental effects of the proposed development and confirmed working to permitted standard hours through the construction phase of the development.

CK noted that this application follows on from an approved outline and, therefore, was not subject of public participation, however as the construction of the Motorcycle Parking and Mechanical Equipment Pavilion abuts the Ocean Spa Plaza development, the applicant had served a Section 25 notice was served on the management company and confirmed that no representations had been received.

CK provided a summary of the consultee comments that had been received. CK confirmed that that the DOE had advised that the applicant will be installing PV installation on the roofs of the Bishop Fitzgerald Upper Primary (BFUP) and Governors Meadow Lower Primary (GMLP) School to meet its NZEB requirements, that they would require updated predictive EPCs to allocate the offsite production accordingly for approval and that the operation and maintenance of the offsite system will need to be negotiated with Government but in-principle the NZEB requirement had been met. CK also confirmed that the CSI needs to provide formal confirmation that the refuse and waste management arrangements have been met.

CK advised the members that the DCA was satisfied with the Aeronautical Study and had requested conditions to be attached to any Planning Permission to ensure the safety of the airfield during construction and operation including lighting, bird and crane management. CK also advised that the Ministry for Heritage (MfH) required the presence of archaeologist and that the Ministry of Transport (MoT) had noted that the approved traffic flow of the Bayside Central Service Road could be improved further if it were to be reversed, and that this had

been previously discussed with the applicant, Highways and MoT and that the reversal would have an impact on manoeuvring on existing Glacis Estate parking bays and the accessible parking bays.

CK briefed members on the planning assessment of the TPD and noted that the applicant had complied with relevant conditions of the OPP for the Phase 2 development, welcomed the evolution of design and massing addressing long views impacts seen from the Upper Rock and from across the runway and that issues with OLS had been addressed and that the impact of the increase on Building F when viewed from the west from Devil's Tower Road was considered to be negligible. CK welcomed that the design principles of the scheme have not been diluted and welcomed the sophisticated palette selection, the hard and soft landscape proposals and considered the piazza will be a welcome and beneficial addition to public spaces in Gibraltar once constructed. CK emphasised that TPD noted the MoT comments, however, these had been approved in full by the Commission and should be adhered to.

CK informed that TPD's recommendation is that the application should be approved and that a Planning Permission can be issued once the DOE has cleared the updated EPC's once they have been submitted and formal clearance on the refuse arrangements for the scheme for the CSI and that the Planning Permission would be subject to the transposition of the relevant conditions from the Outline Planning Permission and conditions requiring an AWB, addressing the requirements of the DCA, details on sheltered public cycle parking on piazza to be submitted and agreed with MoT, the submission of a final CEMP and associated documents prior to works commencing and other standard conditions.

JH noted that the development had improved, but in the wider context, it is a chokepoint on traffic and enquired if a separate operational transport plan was available online and if there was an interaction with residents to address any of their concerns and to provide a point of contact to reach out if needed. MH also enquired about engagement with residents and noted that the Housing Department was aware of dust management concerns being raised by residents during the demolition works that took place on site. JH also enquired if any of the planned trees to be planted on the site included those that have been removed from the site or were to be relocated here from somewhere else.

CK confirmed that the CTMP and Transport Management Plan are available to view online, and Stephen Orciel (SO) confirmed that a broad consultation taken place through the Coordination Board of developers and when contractor is on board there will be day-to-day consultation with residents directly affected by the development. SO also confirmed that those trees will be replaced here or kept on the East Side development where they are temporarily placed.

The application was unanimously approved by Members in accordance with recommendations of the TPD.

Other Developments

353/24 – D/19306/24 – Victoria Stadium, Winston Churchill Avenue -- Proposed demolition of sports stadium, petrol station, pumping station building and miscellaneous small structures (Listed as Item 16 on the Agenda)

The application was deferred to allow the applicant to discuss matters that had been raised by an objector to the application.

354/24 – F/19033/24 – 7 Red Sands Road -- Proposed addition of new canopy roof to padel courts with aluminium frame and canvas cover.

Consideration of revised plans following Member's initial consideration of application.

CK advised that the application was previously considered by Members at the DPC meeting held on 25 April 2024 where the application was deferred so that the applicant could explore alternative design options to reduce the visual impact of the roof canopy and assess the impact that a roof canopy structure would have on existing tree canopy coverage and root systems.

CK also confirmed that the TPD organized a Member's site visit on 29 May 2024 to address and clarify concerns and translate them into a set of key design considerations that the architects could apply in developing revised proposals for the site and confirmed that the applicant had since submitted revised plans for consideration.

CK provided a brief summary of the original proposals and highlighted the changes that had been introduced in the revised scheme which included a reduction of mass and heights as well as a reduced footprint. CK outlined that further changes were made on the basis of the sun analysis and as a result the applicant had kept the south and east elevations open, and the north elevation now included proposals for a retractable / detachable side canvas which could be used as and when it was needed to address sun light concerns. CK also confirmed that the loadbearing columns of the structure had been set back tightly to the court and that the proposals no longer involved placing structures outside the courts. CK set out that a new lighting system was proposed as well as the installation of 12 sqm of PV panels on the roof of the existing gym that would generate enough energy to offset the lighting energy.

CK advised Members on the two x revised options that had been provided for the canopy with Option 1 comprising a single level roof and Option 2 comprising a stepped down roof on eastern end and presented a summary of the results of the Visual Impact Assessment (VIA) in respect of the different options.

CK provided a summary of the consultee comments that had been received and also comments received from the ESG and GONHS including that they considered that there is little overall height reduction and no significant difference between the two options, and expressed concerns with side canvasses towards the clubhouse and energy balance and illumination process and confirming that GONHS had called for clarification on tree works as the adjacent site is covered by a Tree Protection Order.

CK also set out that the DOE had confirmed that they still need to undertake a site visit to confirm that the recommendations from Eden's tree report are acceptable and requested that no Planning Permission is issued until they had confirmed they are satisfied with the report.

CK went on to provide the TPD's assessment of the application advising Members that the TPD note that the revised proposals would result in a marginal beneficial visual impact that blends in better with its surroundings and the visual impact from public spaces on the south is minimised by this elevation remaining open. CK confirmed that the TPD welcome the reduction of heights and mass and emphasised that the proposed arc shaped roof does generally lessen the impact of scheme, even though the reduction itself is not much, and that the fully open southern sides will provide natural light and natural ventilation. CK also confirmed that the TPD welcome the installation of PV panels which would offset the energy demand of the new lighting installation and noted that overall, the applicant had sought to address the concerns previously raised by the Commission, and the direction that had subsequently been given to them.

CK explained that whilst the TPD acknowledges that the applicant's preferred choice is Option 1 (straight roof line), however, the TPD would recommend Option 2 with stepped down roof level as the reduction in height results in less adverse visual impacts when viewed on Withams Road. CK confirmed that the TPD's recommendation is to approve Option 2 in principle subject to clearances from DOE on the Tree Pruning Schedule, submission of detailed plans for Option 2 to be ratified at Subcommittee and any subsequent Planning Permission to be subject to conditions including submission and approval of detailed plans and maintenance schedule for the tree pruning works and final details of the PV panels to be submitted as well as other standard conditions.

Following a discussion on the two options by Members, JH expressed relief that side canvas is removable and requested information on how it is going to work and noted that the narrowed down massing helps, and the reduced footprint is also good, but required confirmation from GONHS and DOE.

The Chairman requested further clarification on north elevation side panels to which the agent, Tanya Stagnetto (TS) confirmed that it should be applied in the summer months and the use of the canvas would be seasonal, not daily.

The Chairman motioned for a vote on the application.

In Favour: 9

Against: 0

Abstentions: 2

The application was approved by majority vote and subject to the conditions set out in the TPD recommendations and an additional condition that the panel of the north elevation is to be installed on a seasonal basis with the exact timings to be agreed with the TPD.

355/24 – O/19204/24 – Flat 1, 15-19 South Barrack Road -- Proposed two storey extension to building to provide two x additional two flats and the installation of a lift.

CK presented the scheme to the Commission and provided an overview of the site and surrounding area including a briefing on the in-context character assessment including development densities and storey levels.

CK confirmed that the proposals sought outline planning permission to construct a two-x storey extension with a traditional pitch roof and an upward projecting lift core shaft to provide two x new dwelling units and an internal rearrangement of layouts on the other floors of the building.

CK confirmed that the application had been subject to Public Participation, and that notice of the application had also been served on the Department of Housing and the owner/occupier of the adjoining Flat 2. CK advised Members that two sets of representations had been received Jonathan Zammit on behalf of residents 7 – 14 Woodford Cottages and from Georgina Dobbs on behalf of 1 – 6 Woodford Cottages and that one of the objectors had requested to address the Commission.

The Chairman invited Joe Cortes (JC) to address the Commission on behalf of the residents of Woodford Cottages.

JC confirmed that they consider that the proposal is based on bad examples in the vicinity, casts shadow and is not in-keeping with surroundings. JC also considered that the proposed windows on the east elevation raised privacy concerns and that the construction process would impact on the local environment. JC also enquired on any Environmental Impact Assessment (EIA) being done on the impacts of the development and noted that the proposal was much taller than views and vistas would imply and invited Members to come to Woodford Cottages to view the impact of the proposed development.

The Chairman invited Stephen Martinez (SM) to address the Commission.

SM on behalf of the applicant summarised that the building is set back by 9m from the road on the south and is approximately 18 meters distance away from Woodfords Cottages and is less tall than the bad practice example JC referred to. SM emphasised that the proposal sits lower than Woodford Cottages and that the extension is partially covered by existing building on east. SM offered to do a topographical survey of surrounding areas and explained that the extension is intended for the family living there and the lift would allow more comfortable access.

JH sought clarification on the site, the garden areas and the landscaping and vegetation. SM confirmed that the garden area is tiled over or is a hard landscaped area and only a planter was introduced on the east of pool. MH highlighted the ongoing efforts in keeping buildings as they are, and sympathised with people, as allowing new on top is adverse.

CK and Chairman confirmed that the proposed development only involved extending the existing building and did not propose works in the garden areas. CK provided a summary of the consultee comments that had been received confirming that the DOE required a predictive Energy Performance Certificate (EPC), Bat and Bird surveys and nesting sites to be included, and LPS confirmed that should Outline Planning Approval be granted the applicant would need to contact them to obtain Landlord's consent.

CK also confirmed that the GHT consider that the scheme is too large for its context, however, they feel that an extension could be achieved through use of setbacks and lowering of height and they would not support any new construction that exceeds the height of the main property (15-19 South Barrack Road) and consider it should reduce in height as it nears the heritage

significant Villa Bernadette and beyond that, Mount Pleasant, so as to retain the character and setting of this historic area. CK confirmed that the MfH recommend that the extension should be reduced by a storey.

CK went on to provide the TPD's assessment of the application. In response to the objector's comment that the development would require an EIA, CK advised Member's that the TPD had conducted an EIA check and did not consider the development requires an EIA as it is an urban, brownfield site which is proposing an extension on top of existing building.

CK also advised the Commission that whilst TPD have had a substantive dialogue with the applicant, had met on site with them, and set out TPD's concerns in order to revise the scheme, the applicant had requested the application to be tabled to Member's in its current form.

CK briefed Member's that the TPD consider that the proposal is an overdevelopment of the site with its mass, height and scale considered to be out of character and that the selected height references for the proposal are not relatable to street level. CK clarified that the TPD consider that the proposal should relate to the street level plane of buildings and that there is scope for a residential extension with vernacular features, it needs to be aligned with the street level (i.e. reducing a storey) and that TPD would recommend that the applicant revises the scheme on this basis.

CK clarified that TPD recommend that the Commission should request the applicant to modify the proposed scheme in line with the TPD recommendation under Section 28 of the Town Planning Act powers and that the applicant should submit a revised scheme which addresses the concerns of the TPD. CK confirmed that upon submission of the revised plans, objectors would be consulted, and the revised scheme would be tabled for consideration at a future DPC meeting.

Members unanimously agreed to issue a Modification Order in line with the recommendations of TPD.

356/24 – O/19290/24 – Parminter Place, 20 Hole In The Wall Road -- Proposed fit-out of vacant chambers for use as a secure storage facility including ancillary uses.

CK introduced the scheme confirming that the site comprises part of a vaulted tunnel system and advised that the proposals seek to convert it into a storage facility and associated ancillary uses with an emphasis on providing a secure storage facility use with a secure drop off area at the Hole In The Wall entrance. CK informed Members that there is another application for the Ottawa chambers which will be tabled at a future DPC meeting.

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

CK provided a summary of the consultee comments that had been received confirming that the DOE would require full ventilation details to be submitted in support of any full application, that the MfH and GHT would need to be involved throughout the works, that the applicant should engage with the World Heritage Office as the scheme progresses, that TSD had confirmed that a geotechnical study would need to be submitted in support of any full application and that the MoT requires an access plan to be submitted in respect of the drop off bay.

CK went on to brief the Commission in respect of the TPD's assessment of the application and confirmed that the TPD welcome the refurbishment and reuse of the site which has been in a derelict state for some time and consider that the proposed interventions are minimal and maximise potential for reversibility in the future. CK confirmed that the TPD had no concerns with indicative design with the loading bay but added that WHO should be involved.

CK advised that TPD overall, recommended the application for approval subject to standard and bespoke conditions as detailed in the assessment and to address consultee requirements.

JH requested clarification on public access to the facility through the Dudley Ward Tunnel and how the entrance can be used with a substation before it.

Jonas Stahl (JS), on behalf of the applicant, confirmed that there are two points of access, and the Hole on the Wall Road is the secure dedicated drop off point and GEA has agreed to reposition the cabinet. JS confirmed that the Dudley Ward Tunnel provides an alternative means of access, but the Hole on the Wall Road will be the main entrance.

GM asked for clarification on turning circles and any disturbance to the Hole in the Wall Road traffic due to loading operations and requested information on the high degree of security aspect of the proposal in regard to fire services.

JS acknowledge that further details would need to be provided, and vehicles would need to be small, but explained that the proposal is not for generic storage but a high security storage area in nature which has a different clientele, and vehicle access will be evolved with that in mind. JS added that a Fire Strategy is being developed in consultation with Gibraltar Fire and Rescue Services, but this is the reason for having an outline due to that nature and to be able to explore these areas. JS also clarified that the access canopy would incorporate rock fall measures and would also have green roof incorporated.

The application was unanimously approved by Members in accordance with recommendations of the TPD.

357/24 – F/19299/24 – Atlantic Suites -- Proposed installation of telecommunications equipment on the roof of the building.

CK introduced the application to Members providing an overview of the site and confirming that the proposals involve the installation of three self-supporting antennas to serve three sectors.

CK confirmed that notice served of the application was served on Management Company (MC) and LPS and that the applicant met with MC and permission granted in principle subject to Planning Permission being granted.

CK confirmed that one set of representations had been received from a resident in the building. The Chairman invited the objector Roland van de Vijver (RvDV) to address the Commission.

RvDV addressed the Commission on policy issues including that St Bernards Hospital is only 25 metres away and that the applicant has not demonstrated the radiation levels are kept as low as achievable and enquired as to whether the antenna could be placed on top of the planned lift core to be built at roof level and has planning permission.

JH noted that there are issues with 100 metres distance requirement Gibraltar wide but will consult with objector.

The Chairman invited Sean Randall (SR) to address the Commission.

SR confirmed that the site is within the proximity of 100 metres and consulted with hospital and that they have no issue with distance, frequency and confirmed that broadcasting level will be kept well below required levels. SR also advised that the landlord does not allow it to be placed above the roof but along roof.

The Chairman asked for clarification on directional antennas and the possibility of placing them on the proposed extended lift core of the host building. SR confirmed that the antenna's would be pointing towards Morrisons car park and not towards the hospital but to the direction of the cruise terminal, Mid-Harbours and Varyl Begg estates and Gib 5 to provide level of service users expect. SR emphasised that they would agree to replace above the lift core structure if possible and provided the landlord would allow it, as the move would be very simple.

JH noted that based on data and information provided, the ESG would emphasise the importance of monitoring but would not have a problem being within 25 metres of the hospital as it is directed away from the hospital. JH requested more information on any other upcoming masts and on strategic locations selected for these.

SR advised that 10-11 location are selected for placing masts to provide network coverage across Gibraltar, but this time ESG was not directly consulted. SR confirmed that he would brief the ESG and some of the locations may be not very different, but some may be new to what was previously discussed.

CK summarised the consultees' comments confirming that the ESG do not have any immediate concerns with this proposal and informed the Commission that TPD that recommend that the application is approved subject to standard conditions, and a condition requiring monitoring to be undertaken.

The Chairman also suggested that a condition for the antennas to be moved on top of the roof of the lift core extension if this is possible in the future should also be added given the discussion that had taken place.

The application was unanimously approved by Members subject to the additional condition suggested by the Chairman.

358/24 – F/19332/24 - 21 East Walk, Europa Walks Estate -- Proposed extension and alterations to residence.

CK emphasised that it is important for Members to appreciate that whilst not a retrospective application, the works had commenced and substantively undertaken by the applicant without the necessary Planning Permissions and Approval Notices in place from TPBC and that works were not in accordance with original submission and have been halted, although some waterproofing works agreed with Building Control have been undertaken.

CK also confirmed that due to complexities appreciating the site as a result of a lack of in context plans in submission, the TPD organised a Members' site visit in advance of the application being considered and that this was attended by some Members.

CK informed the Commission that the proposals included the removal of utility room and converting the existing patio to a ground floor extension with a terrace above with parapet wall. CK noted that the extension and terrace has been built different to the original plans and explained how the different properties sit and relate to each other and to the public areas and passages across different, inward and outward facing elevations in this tightly built context.

CK then briefly summarised the planning history of Europa Walks, including the Europa Walks Management: Planning Guidance Document that has been approved by the Management Company (MC) and described the three extension types that have been approved by the guide.

CK confirmed that notice of the application had been served on the MC and that one set of representations had been received from a neighbouring property.

The Chairman invited Grahame Jackson (GJ) to address the Commission.

GJ addressed the Commission stating that he agrees with TPD's assessment of the current situation and noted that the works have damaged the integrity of his roof and the terrace cuts into the pre-existing tile system and roof and that causes water ingress issues. GJ added that there are privacy issues as the window of his bedroom is directly opposite the terrace and is very close, and possibly the same arises with the property over the passage. GJ also added that the additional new window on ground floor while is not directly opposite, is very close and having an impact, and the visual impact of the block shape already dominates the space and is out of character and scale and causes loss of amenity.

The Chairman invited the agent Stephen Martinez (SM) and the applicants Paul Trinidad (PT) and Tiana Trinidad (TT) to address the Commission.

TT acknowledged and apologised for starting the works and confirmed that they are committed to resolving matters including financial consequences. They referred to the new guidance documents and advised that the MC agreed to the works subject to planning permission being granted. TT confirmed that they have started the works after submitting the planning application and provided rationale for the extension. TT noted that the objector is not objecting to the principle of the extension but the details of the development. TT added that the intention was not a terrace but enclosing the terrace at the end to provide a two-storey extension and claimed that privacy had been discussed in advance, and in terms of amenities and future development rights they would agree for neighbours to go up higher. Finally, TT emphasised that this type of work has been accepted by the Management Company in other places.

SM added that there should not be any water ingress issues, and that temporary water proofing has been applied. SM felt that the planning concept is approved in other properties, and they were following other examples.

CK summarised the consultees' comments confirming that the DOE, MfH and TSD had no objections to the proposals.

CK went on to brief the Commission in respect of the TPD's assessment of the application confirming that the TPD were disappointed that works have been carried out without planning permission. CK highlighted to the Commission that the TPD is concerned by the number of works that have been carried out on the Estate in general without Planning Permission and that the MC should make clear to all residents the requirements as TPBC are having to take action on a number of properties.

CK advised Members that the proposal is not considered to be in line with the Europa Walks Management: Planning Guidance Document dated 3 January 2024 which was generally considered to be acceptable by TPD. He added that, whilst TPD now is aware that revisions were made to Design Guide in May, the TPD has only just received the update, but that the revision received does not include the configuration of the extension proposed in the application.

CK explained that in the case of the building formations of East Walks, every property has different set of circumstances, and it is true for the whole Europa Walks and here, it is especially important to consider all applications by their own merit as they are responding to different built environmental configurations.

CK advised that TPD considered the objection and listened to the counter representations and considered that the terrace element would set a negative precedence in respect to residential amenity as well as an undue visual impact due to the L-shaped configuration and with the public footpath running through it. Due to the configuration, one property is directly adjacent to two others and apart from issues with this, the cumulative impact for No. 20 also doing the same extension would alter the character of the Europa Walks and would result an elongated narrow dark alley that is not considered to be good planning and should be avoided.

CK went on to state that without the terrace and with a pitched roof single storey extension as per the guidance, including the new window which has an element of softening the impact by the existing tree, the TPD would consider the proposal to be acceptable.

CK summarised that the TPD recommends that the Commission should request the applicant to modify the scheme in line with the TPD assessment in accordance with their powers under Section 28 of the Town Planning Act and that the applicant should submit revised plans removing the terrace element of the scheme and installing a shallow pitched roof, reinstating the window on the first floor master bedroom and upon resubmission of plans it could be considered at Subcommittee level for ratification.

CK also informed the Commission that the TPD would also recommend that the applicant remove the unauthorised works and authorise TPD to pursue any enforcement action necessary that needs to be undertaken.

The Chairman highlighted the importance of site visit by members as this estate is very complex by nature of design and summarised TPD recommendation to allow a single storey extension, remove roof terrace and replace with a shallow pitched roof, which would mitigate concerns about loss of privacy from overlooking from terrace and loss of amenity and added that oblique angle of window on the ground floor does not result in a significant loss of privacy that would warrant refusal.

CV stated that he did not have an issue with terrace.

JH expressed support to planners' position and noted the complexity of the estate.

The Chairman motioned for a vote on the application.

In Favor: 8

Against: 3

Members agreed by majority vote to issue a Modification Order in line with the recommendations of TPD and authorised the TPD to undertake any enforcement action that may need to be undertaken.

359/24 – MA/19361/24 – Winston Churchill Avenue -- Proposed construction of a new residential building with apartments and day care centre, an elevated playground area and a car park.

Consideration of Minor Amendments including:

- ***reallocation of youth club, day care centre and offices;***
- ***increased number of residential units from 40 to 58;***
- ***updated access and egress via sortie road; and***
- ***transformation of the elevated playground into a garden space.***

CK advised that Members had previously approved the development at the DPC meeting held on 23 March 2023 and that a Planning Permission was issued in October 2023 subject to conditions.

CK confirmed that the applicant has submitted a Minor Amendment (MA) to make a number of changes including omitting the youth club which will be provided within an enlarged facility to serve both Glacis and Laguna Estate and that a planning application has been submitted for this and will be tabled for consideration in due course. CK confirmed to Members that other key changes included that the second level of car park has been removed and two residential level added, elderly housing units made to specific design requirements for elderly residents and that access and egress to the development had been altered to one access in and out from Sortie Road.

CK summarised that parking is provided according to the policy for elderly housing schemes in the GDP and that the application has generally followed the approved design and that there had been no change to the height of the building. CK also confirmed that the landscaping has been reconfigured due to the change of youth club to elderly residences.

CK confirmed that no representations had been received from previous objectors who had been specifically served notice of the Minor Amendment submission by the applicant, advised on consultees requirements informing the planning conditions and confirmed that the TSD had no objection in principle to the one access and egress subject to clearance of sight lines and turning circles, and that the application is tabled at Traffic Commission for ratification.

CK went on to brief the Commission in respect of the TPD's assessment of the Minor Amendments confirming that the TPD had no in principle objection to the omission of the

youth club as it is going to be re-provided and welcomed the omission of the previous access off Winston Churchill Avenue as it removes a source of conflict on a busy road. CK also confirmed that the TPD welcome that the approved design is not diluted by the MA. TPD acknowledged that landscaping is changed but still has substantive elements proposed and recommended approval subject to conditions being transposed from the previous Planning Permission and updated to reflect new scheme.

CAM expressed that the Trust did not support this application and upheld objections as there is no material change.

CK confirmed to the Commission the levels that has been changed to residential use and advised on Elderly Car Parking policies.

The Chairman motioned for a vote on the application.

In Favor: 9

Against: 1

Abstentions: 1

360/24 – F/19321/24 – 16 South Walk -- Proposed extensions and alterations to residence (Item listed on the Addendum to the Agenda)

CK presented the application and provided details on the dual aspect of the dwelling which has northern and eastern frontages facing inwards and aspects of western and southern frontages facing Europa Defences and the coastal path that runs alongside it. CK advised Members that effectively, facades are facing different directions and responding to different configurations of the built form in context on the seaside and inside of Estate.

CK explained that one aspect is the proposal to infill the staggered roofline and massing between adjacent buildings and forming a straight building frontage as well as to add an additional storey extension to existing and enclose part of patio with a conservatory.

CK noted that this is the first application with second floor extension that has been tabled before the Commission and that to date the MC had not provided formal documentation or design guide stating that this configuration would be one that they would support.

CK confirmed that notice was served to LPS and the management company and that the application was the subject of public participation, and no comments were received.

CK confirmed that the application had been consulted on, and no objections were received but technical requirements to comply with.

CK explained that TPD assessment contains two parts, one is concerned with the second-floor extensions, and the other is with other works proposed.

CK advised that in terms of the other works, TPD considered the proposals for the garden and the single storey glass conservatory to be acceptable from a planning perspective and they were not considered to cause any visual impact or amenity issues in this location, but proposals for similar structures in other locations would need to be considered on a case-by-case basis.

In terms of the infill extension on the West side of the property, between buildings No. 16 and 11 South Walks, CK advised that the assessment of the proposed and cumulative impacts have to be carefully considered by Members. In this particular case, the proposal would not affect the character of this part of the estate and would have a negligible visual impact on dual aspects, but if approved, other applications should follow example and any other second floor extension have to be determined on its own merit responding to the nuanced differences in built form and configuration which may not be replicable elsewhere.

CK advised that in respect of the second storey extension on the East side of the property overlooking the patio, the proposal is considered to affect the symmetry of this part of the estate and in turn also considered to affect the character of the Estate in this location. CK also emphasised that Members need to consider the potential cumulative impact of this type of extension if the property on the other side of the public walkway were also to be extended.

CK advised that the TPD consider that the extension would result in the creation of a more expansive and imposing two storey blank wall on either of a public path which would create an imposing dark alley presenting dead frontages beside public walks.

Following the assessment, CK detailed TPD's recommendation on modifying the scheme in accordance with powers under Section 28 of the Town Planning Act and requiring the applicant to submit revised plans omitting the second storey extension on the east side of the property overlooking the patio and these to be re-consulted, and if in compliance, these could be ratified by the Subcommittee.

CAM confirmed that she agreed with TPD recommendations and asked about the proposed flat roof over the infill which is not a tiled pitched roof and about the terracotta curved tiles coping on top of boundary walls to be kept if raised. SM confirmed that a pitched roof can be added as it is in-keeping with present buildings instead of a flat roof.

MH requested clarification as to whether the garden was a communal area to be taken over by the applicant. MH stated that she objects to the loss of communal areas to private use. JH also enquired whether green areas are also included into sales.

Chairman stated that he understood that the Government had agreed with the MC that some communal areas could be sold to owners and that involves green areas too.

GM noted that allowing air conditioning units to be placed on flat roofs would create a significant precedent which the Commission should be aware of that. Chairman confirmed that all air conditioning units would be subject of a condition.

JH expressed that detail and variety of applications presented here are overwhelming and that these changes are completely rebuilding the estate and the sqm (density) is going upwards for the whole estate. JH stressed that she was worried about the urban heat island impact, which has been experienced on site visits due to lack of greenery and trees and the MC should be addressing these before selling communal areas and preventing future enforcement, implicitly encoded into the intentions of applicants.

The Chairman motioned for a vote on the application.

In Favor: 6

Against: 5

Members agreed by majority vote to issue a Modification Order in line with the recommendations of TPD.

Minor and Other Works– not within scope of delegated powers

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

361/24 – F/19089/24 – Cruise Liner Terminal -- Proposed installation of photovoltaic panels.

This application was approved.

362/24 – F/19105/24 – Northern End, Eastern Beach -- Proposed beachside bar and restaurant.

CK summarised the proposal for the Members at the request of GM.

This application was approved.

363/24 – F/19254/24 – Atlas Views, Naval Hospital Hill -- Proposed community Masterplan for the development of external rear garden areas.

Follows on from Outline application.

CK advised Members that whilst the DOE does not object in-principle to the proposals, they have raised concerns in respect of the impact of the proposals on the Nature Trail in the area, specifically that they do not appear to have allowed sufficient space for the trail to be able to be used safely and recommended that this issue is addressed prior to a Planning Permission being issued.

JH challenged that the Tree Survey implications were incorporated into the design and ESG requested an inquiry in the loss and re-provision of greenery before any consideration of the application by the Commission takes place. JH also expressed that independent bodies such as ESG and GOHNS should also provide scrutiny and on-site verification.

Following this CK briefly summarised the plans and the consultation confirming that the requirements of consultees had informed the recommendations of the TPD that is the approval of the application subject to the DOE concerns regarding impact of the proposals on the Nature Trail being resolved prior to a Planning Permission being issued and incorporation of other planning conditions.

The Chairman motioned for a vote on the recommendation to the application.

In Favor: 4

Against: 7

The Chairman noted that the department's recommendation to approve had not been accepted and suggested that the application should be deferred to arrange a meeting with the

representatives of DOE, ESG, GOHNS, the applicant and the TPD to review the submission including the Tree Study.

Members unanimously agreed to defer the application to allow for this meeting to take place after which the matter would be re-tabled.

364/24 – F/19260/24 – 13 South Walk, Europa Walks -- Proposed alterations and extension to residence.

This application was approved.

365/24 – F/19232/24 – 69C and D Prince Edwards Road -- Proposed extension and alterations to residence.

This application was approved.

366/24 – F/19328/24G – 9 Devil's Tower Road -- proposed enlargement of sub-station.

GoG Application.

CK informed Members that the applicant had confirmed to the TPD that plans for a reduced Substation were to be submitted. CK recommended to Members that the application is approved in principle subject to the revised plans being consulted on upon submission and that they are tabled for ratification at Subcommittee.

The application was approved in principle subject to the revised plans being tabled for ratification at Subcommittee.

367/24 – MA/19324/24 – Fortress House, 7/9 Cathedral Square -- Proposed development of an art gallery, children's art centre and café.

Consideration of Minor Amendments including:

- *interior alterations that have arisen as a result of site testing and design developments following the strip-out of the site including proposals to demolish various additional walls with mitigation measures proposed;*
- *improvements in construction strategy which minimize disruptions to the neighbours; and*
- *further setbacks in key areas of the site adjacent to neighbouring properties.*

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.

368/24 – F/16313/19 – 50 Marina Court, Glacis Road -- Proposed replacement of windows throughout the property from aluminium to uPVC.

369/24 – F/18687/23 – 13 Winston Churchill Avenue -- Proposed upgrade and refurbishment of existing fuel station including improved infrastructure, additional support services, rebranding and installation of new advertising.

370/24 – F/19143/24 – Flat 2, 8-12 Danino’s Ramp -- Proposed internal and external alterations.

371/24 – F/19163/24 – O’Reilly’s Bar, Leisure Island, Ocean Village -- Proposed construction of an external bar counter and canopy.

372/24 – F/19226/24 – Unit 1C and 1D, Trafalgar House, Rosia Road -- Proposed internal refurbishment and conversion from motor shop and workshop (Sui Generis) into a leisure indoor children’s recreational space (Class D2) with food and beverages/cafeteria area (Class A3).

Consideration of discharge of Condition 2 (colour scheme), Condition 4 (fascia board details), Condition 5 (ship sign and signage), Condition 10 (predictive EPC) and Condition 13 (operational hours) of Planning Permission No. 8995.

373/24 – F/19287/24 – 10 Genista House, 53A Europa Road -- Proposed replacement of all windows.

374/24 – F/19289/24 – GBC Broadcasting House, 22 Rosia Road -- Proposed installation of two microwave antennae on the roof.

375/24 – F/19307/24 – Signal Hill -- Proposed installation of two new antennae on the transmitter mast replacing the two existing antennae.

376/24 – F/19309/24 – 6 and 10, 1A Irish Town -- Proposed conversion and change of use of a residential apartment (Class C3) into a lawyers’ office (Class A2) and extension to existing ground floor office.

377/24 – F/19315/24 – Apartment 22, Quay 31 King's Wharf, Queensway -- Proposed installation of awnings to terraces.

378/24 – F/19326/24 – 1400 Eurotowers -- Proposed replacement of single pane glass windows with uPVC double glazed units.

379/24 – F/19327/24 – Unit G7, Ground Floor, ICC -- Retrospective application for change of use from shop (Class A1) to food and drink (Class A3), internal fit-out and installation of external signage.

380/24 – F/19358/24 – 42 Governors Street -- Proposed internal alterations and retrospective permission for terrace conversion works including installation of pergola and awning.

381/24 – A/19330/24 – 88 Irish Town -- Proposed replacement of fascia sign.

382/24 – MA/18541/22 – Ground Floor, 184 - 188 Main Street -- Proposed refurbishment of shopfront and carry out conversion of bar/cafe into bakery.

Consideration of Minor Amendments including:

- *removal of non-load bearing partition wall between admin offices and food preparation store; and*
- *changing rear administration offices back to kitchen.*

383/24 – MA/19224/24 – 2/2 Serfaty's Passage -- Proposed conversion of maisonette premises into three x residential units including extension.

Consideration of proposed Minor Amendments including:

addition of a roof terrace accessible via the installation of a new spiral staircase.

384/24 – MA/19313/24 – 21 Willis's Passage -- Proposed extension to residence and associated alterations.

Consideration of Minor Amendments including:

- ***omission of proposed extension and all associated works.***

385/24 – MA/19314/24 – 2A King's Yard Lane -- Proposed construction of utility room at roof level, roof terrace with pergola alterations to facade and fenestration and associated internal alterations.

Consideration of Minor Amendments including:

- ***Inclusion of habitable room and shower room at roof level; and***
- ***minor modifications to fenestration and internal layouts.***

386/24 – Any other business

No other business was raised by Members.

The meeting concluded and the next meeting was confirmed for 14th November 2024.

Chris Key

Secretary to the

Development and Planning Commission