

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes

Minutes for the 1st meeting of 2025 to be held remotely via video conferencing on 16th January 2025 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
(Chief Technical Officer)

Mr G Matto

Mrs C Montado
(Gibraltar Heritage Trust)

Mr K De Los Santos
(Land Property Services)

Dr K Bensusan
(Gibraltar Ornithological & Natural History
Society)

Mrs J Howitt
(Environmental Safety Group)

Mr C Freeland
(Rep Commander British Forces, Gibraltar)

Mr C Key
(Deputy Town Planner)

Peter Cosquieri (PC)
(Town Planning Assistant)

Apologies:

The Hon Dr J Garcia
(Deputy Chief Minister)

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

Mr C Viagas

Approval of Minutes

1/25 – Approval of Minutes of the 14th meeting of 2024 held on 17th December 2024.

The Minutes of the 14th meeting of 2024 held on the 17 December 2024 were approved.

2/25 - Matters Arising

None

3/25 - Major Developments

None

Other Developments

4/25 – F/18355/22 – 1B Paradise Ramp -- Proposed refurbishment and extension to the existing property for use as a single dwelling.

Application Details

- Proposed demolition of extensions to an existing single-storey dwelling.
- Construction of a four-storey extension with an additional partial storey and roof terrace.
- Retention and refurbishment of the ground-floor dwelling.
- Intended use: single-family dwelling.
- Each floor will contain a bedroom, en-suite bathroom, living area, and terrace.
- Main living and dining areas are to remain at ground level.
- A potting shed with a greenhouse will be included.
- Existing pool to be retained, covered by an open pergola for privacy.
- A stair and lift core will extend to the roof.
- West elevation initially featured protruding balconies with parapet walls which has now been revised to include railings and planting.
- No windows on the east and north elevations to prevent amenity issues for neighbors.

Background

- The site was subject to a Government of Gibraltar tender in 2019.

Supporting Documentation

- Sustainability statement submitted, confirming commitment to achieving Near Zero Energy Building (NZEB) status through:
 - Heat pumps
 - Natural ventilation
 - Optimized building orientation
 - Potential photovoltaic panels at roof level
 - Rainwater harvesting

Representations

- Objections received from owners of 2A Castle Steps and 12 Willis's Road.
- Mr J Requena, one of the objectors, had requested to address Members but he did not join the meeting, so CK provided a summary of the representations.
- Key concerns raised:
 - Overdevelopment: the five-storey increase (including stair/lift core and pergola) deemed excessive.
 - Heritage and Visual Impact: the modern design does not align with Old Town's historic character.
 - Loss of light and privacy:
 - Four windows at 12 Willis's Road blocked.
 - Overshadowing 2A Castle Steps.
 - Multiple terraces overlooking neighboring properties.
 - Public notification concerns in relation to inadequate consultation.
- The Chairman then asked the applicants if they wished to address members.

Applicant's Response

- Gamma Architects defended the proposal, highlighting:
 - The design aligns with the cascading nature of The Old Town.
 - Outdoor space is vital in a densely built area.
 - The project was developed with significant input from Town Planning and heritage bodies.
 - Every floor should have access to greenery and terraces, supporting modern urban living.

Consultee Comments

- Department of the Environment: No objections; require a Predictive EPC before construction.
- Gibraltar Fire & Rescue Service: Fire Strategy Report required.
- Gibraltar Heritage Trust: Supported refurbishment but opposed modern design.
- Ministry for Heritage:
 - Welcomed retention of existing structures.
 - Recommended setting back balconies, reducing the southern extension, and replacing parapet walls with railings.
- Technical Services Department: No objections.

Planning Assessment & Recommendations

- Site condition: deteriorated and in need of renewal.
- Suitability for additional height:
 - Cascading surrounding buildings allows for a taller structure.
 - Height, scale, and massing deemed acceptable.
- Concerns noted:
 - Protruding balconies on the west elevation deemed overbearing when viewed from Castle Steps and Tarik Road.
- Recommended modifications:
 - Set back balconies back in line with the building line and cut them back from the south elevation.
 - Replace parapet walls with traditional railings.

Discussion

- Claire Montado (Heritage Trust): Acknowledged improvements but maintained that the building still appears too large.
- Minister Pat Orfila: Concerned about modern developments eroding The Old Town's character.
- Janet Howitt: Felt the design was too modern for the historic setting.
- Abel Muñoz (Applicant): Confirmed willingness to revise the balconies further while maintaining outdoor space for residents.

Decision

- Vote on requiring modifications before granting planning permission:
 - 9 in favor

- 1 abstention
- None against
- A modification order will be issued for the applicant to revise the balconies as per the TPDs recommendation.

Conditions for Final Approval

- Submission of a Fire Strategy Report.
- Predictive EPC assessment.
- Detailed Landscaping and Maintenance Plan.
- Construction Management Plan to mitigate site constraints.
- Bat and Swift Surveys, with provision for nesting sites within the development.
- Other standard conditions to minimize disruption through the construction process.

Outcome

The applicant thanked the Commission and confirmed commitment to implementing the required revisions.

3/25 - O/19006/23 – 9A Gardiner’s Road – Proposed Partial Storey to Existing Property with Roof Terrace

Application Details

- Proposal for a partial additional storey to an existing four-storey building.
- Removal of pitched roof and construction of an additional storey with a roof terrace.
- Overall height to increase by 1.4m.
- External staircase for terrace access, with no additional structures.
- Finishes and colours to match the existing building to minimize visual impact.

Planning History

- Previous application (March 2023) proposed a part-one and part-two-storey extension and was refused due to:
 - Visual impact and density concerns.
 - Proximity to the Nature Reserve.
 - Issues regarding access and sewer capacity.

Representations

- Objections received from residents of nearby properties (98, 3B and 3C Gardiner’s Road).

- Marilyn Lester:
 - Objected to the omission of their property from the plans and misrepresentation of the building's height.
 - Questioned whether the project was for personal use or rental purposes.
 - Raised concerns about sewage capacity, referencing past refusals due to inadequate drainage.
 - Requested confirmation from the Technical Services Department (TSD) on how this issue would be addressed.
- Susan and Ian Blair represented by Byron Lester:
 - This application was refused previously due to excessive height and the objector believes little has changed from the previous scheme.
 - The additional floor would set a precedent for future developments, this is already the tallest building in the area and an additional floor would impact further.
 - The access road is in bad state which could not support further traffic.
 - The dwelling has already been divided into two with a small flat being created on the lower floor. If the owners require more space for their growing family, can they not amalgamate these two units.
- Carmen Maskill:
 - Criticized unauthorized past works and stated the development already exceeded the four-dwelling limit.
 - Highlighted errors in the application, such as mislabelling of plot numbers.
 - Raised concerns about infrastructure strain and environmental impact on the Nature Reserve.
- Other key concerns raised by objectors:
 - Overdevelopment in an area adjacent to the Nature Reserve.
 - Visual impact on the Upper Rock.
 - Height increase setting a negative precedent.
 - Access issues due to narrow lane unsuitable for construction traffic.
 - Structural impact on neighbouring properties.
 - Questioning the need for additional space given the subdivision of the existing property.

Applicant's Response

- Mrs Suarez (applicant) stated the extension is for a family home requiring additional space.
- Current roof requires urgent repairs due to water leakage.
- Height reduced by 2.3m from the previous submission.
- No additional dwellings proposed—single-family dwelling maintained.
- Sustainability features planned:
 - Solar panels for energy efficiency.
 - Swift boxes already installed.
- Willing to comply with TSD recommendations for sewer management.
- Commitment to submitting a Construction Management Plan (CMP) to mitigate access and environmental impacts.

Consultee Comments

- Department of the Environment: Requires Predictive EPC and Sustainability Statement.
- Technical Services Department:
 - No technical objections but requires liaison with TSD for a drainage solution.
 - Public sewer at Europa Road is at capacity; a new connection may be required.
- Gibraltar Heritage Trust & Ministry for Heritage: No objections.
- Ministry for Transport: No objections.

Planning Assessment & Recommendations

- Recognized concerns regarding overdevelopment in a sensitive area.
- Noted height reduction compared to the previous refusal.
- Considered modifications to the massing and design appropriate for minimizing visual impact.
- Planning Department recommends approval, subject to:
 - Submission of a full drainage solution agreed with TSD.
 - Construction Management Plan, including traffic and macaque management strategies.
 - Sustainability, renewables Statement and Predictive EPC.
 - Bat & Swift survey with location and number of boxes to be agreed with the DoE.
 - Landscaping plan for the roof terrace to be submitted for approval.

Discussion

- Janet Howitt: Acknowledged public concerns but noted the height reduction improves visual impact.
- Gino Matto: Clarified that lease restrictions on dwelling numbers are not a planning matter.
- Minister Pat Orfila: Expressed concerns about the cumulative impact on the Nature Reserve.
- Claire Montado: Stressed the importance of maintaining Old Town character but welcomed the height reduction.
- Byron Lester: Reiterated objections regarding his property's omission, misleading height representations, and sewage capacity concerns.
- Carmen Maskill: Criticized unauthorized past works, highlighted plot number errors, and raised concerns about infrastructure and environmental impact.
- Applicant: Confirmed commitment to making further adjustments if necessary.

Decision

- A vote was taken on the recommendation to approve subject to conditions:
 - Eight in favour
 - Two abstentions

Outcome

Outline Planning Permission was approved with conditions to include:

- TSD approval of sewer solution.
- Submission of Construction Management Plan and Macaque management Plan.
- Sustainability measures and Predictive EPC.
- Bat & Swift survey with number and location of nest boxes to be approved by the DoE.
- Landscaping details for the terrace.

5/25 - F/19391/24 – 9A Gardiner’s Road – Retrospective Planning Garden Modifications and Proposed Wall, Garden Room, and Parking Deck

Application Details

- Retrospective application for unauthorized garden modifications.
- Proposed additional works include:
 - Construction of a parking deck with a pergola.

- Construction of a garden room and external walls.
- Landscaping and upgrading of existing boundaries and garden divisions.
- Site consists of a stepped garden over five levels, accessed via a communal staircase.
- The site is adjacent to the Nature Reserve, but no trees will be affected by the proposed works.
- Unauthorized construction works reported by neighbouring residents.
- Planning Department visited the site and identified unauthorized modifications.
- Retrospective planning application submitted to regularize completed works and gain approval for additional proposed changes.

Representations

- Two sets of objections received from neighbouring residents.
- Key concerns raised:
 - Unauthorized construction works conducted without prior approval.
 - Visual impact of new structures in a sensitive area near the Nature Reserve.
 - Potential structural risk to neighbouring properties due to excavation and construction.
 - Drainage concerns—questions regarding the capacity of the private drainage system to accommodate additional structures.
 - Privacy concerns—new structures and modifications may result in overlooking of neighbouring properties.
 - Concerns about increased vehicle access to the site via a narrow, already congested access road.
- Marilyn Lester:
 - Objected to the retrospective nature of the application, arguing it sets a bad precedent.
 - Expressed concern over misrepresentation of property boundaries and questioned whether the modifications exceeded permissible limits.
 - Raised concerns about the impact on drainage and requested confirmation from the Technical Services Department (TSD) on how this would be addressed.
- Susan & Ian Blair represented by Byron Lester:
 - Criticized past unauthorized works and the lack of prior engagement with neighbours.
 - Stated that the modifications disrupt the character of the area and set a negative precedent.

- Raised concerns about the effect on local infrastructure and questioned whether proper assessments had been conducted regarding stability and drainage.

Applicant's Response

- Confirmed that some works were undertaken without planning permission but committed to regularizing them through this application.
- Stated that the modifications aim to improve safety, aesthetics, and usability of the garden.
- Addressed concerns regarding privacy by proposing glass balustrades instead of solid walls.
- Committed to working with the Technical Services Department (TSD) to ensure drainage solutions meet required standards.
- Confirmed that the parking deck is necessary to provide a designated parking area and avoid congestion on the access road.

Consultee Comments

- Department of the Environment:
 - No objections
- TSD:
 - No technical objections but emphasized that the existing drainage system may not be sufficient.
 - Applicant must consult with TSD Infrastructure Section for a compliant drainage solution.
 - Structural stability of newly constructed walls must be confirmed.
- Gibraltar Heritage Trust & Ministry for Heritage: No objections.
- Ministry for Transport: No objections but advises that construction access must be carefully managed.

Planning Assessment & Recommendations

- Recognized concerns regarding retrospective nature of the works but noted that modifications are not excessively intrusive.
- Considered that proposed landscaping and glass balustrades would help mitigate visual impact.
- Acknowledged drainage concerns—approval should be subject to TSD agreement on a drainage solution.
- Planning Department recommended approval, subject to:

- omitting the two sets of gates on the communal stairs.
- Reduce the height of the boundary wall adjacent to the communal stairs to 1.8m in height.
- submitting details including elevations of the pergola and sliding gate to the parking area.
- submitting elevations of the balustrades and boundary walls including finishes at each level; and
- submitting a detailed landscaping plan for the garden level which includes a -5 level.

Discussion

- Janet Howitt: Expressed concern over unauthorized works and emphasized the need for better enforcement to prevent future breaches.
- Minister Pat Orfila: Questioned whether retrospective applications encourage disregard for planning rules.
- Claire Montado: Noted that while some works improve safety, the DPC should take a firm stance on unauthorized construction.
- Gino Matto: Clarified that sewer capacity concerns are under review and applicant will need to cover any necessary upgrades.
- Applicant: Confirmed willingness to comply with all conditions and implement required adjustments.

Decision

- The application was approved unanimously subject to the submission of the revisions and additional information set out in the recommendation, and which would need to be approved by subcommittee before any planning permission being issued.

6/25 - O/19310/24 - 55 Europa Road - Proposed Social Club with Restaurant, Gym, Recreational, Residential, and Sporting Facilities

Application Details

- Outline application for the development of a multi-purpose social and recreational club.
- Proposed facilities include:
 - Restaurant and bar area.
 - Gym and wellness centre.
 - Sports courts and recreational spaces.
 - Residential accommodation associated with the club.

- Parking facilities and improved access from Europa Road.
- The site is currently vacant and in need of redevelopment.

Planning History

- Outline permission was granted for a similar development, which was 12.5m high, on 3 August 2022.
- Outline permission was issued subject to conditions requiring full details of means of access and pelican crossing / operational management plan / geotechnical study / detailed landscaping scheme / sustainability and renewables report and pre-EPC / swift and bat surveys.

Public Participation

- No representations were received in respect of the application.

Applicant's Response

- The developer aims to create a high-quality recreational space to benefit the community.
- Traffic concerns to be mitigated through:
 - On-site parking to reduce reliance on street parking.
 - Traffic management measures to minimize congestion at peak hours.
- Noise management strategies to be incorporated into the design, including soundproofing and restricted operational hours.
- Commitment to sustainability measures, including:
 - Energy-efficient design.
 - Use of renewable energy sources.
 - Environmental impact assessment to be conducted at full planning stage.

Consultee Comments

- Department of the Environment:
 - Requires a tree and plant survey to be undertaken with 5% of the land being green area.
 - Predictive EPC to be submitted for approval.
 - Renewable and sustainability statement to be submitted in support of the full planning application.
 - Detailed landscaping proposals to be submitted for approval.
 - Bat and bird survey to be undertaken with number and location of nest boxes to be agreed with the DoE.

- Gibraltar Fire and Rescue Service
 - Fire strategy required to be submitted in support of the full planning application.
- Ministry of Transport:
 - Require drop off zone must not interfere with proposed crossing at this location
- Ministry for Heritage:
 - Supportive of scheme and advise for the retention of the west façade.
 - Recommend a detailed structural assessment prior to the demolition works to explore options for retaining or reinforcing masonry wall.
 - Recommend a qualified archaeologist should be present on-site during all groundworks to monitor, record, and assess any findings.
- Technical Services Department (TSD):
 - Require detailed geotechnical submission with full planning submission, scope to be agreed; and
 - Compliance with other standard requirements
- Traffic Commission:
 - No objections and require details of sight lines and turning circles to be submitted for clearance for any full planning application.

Planning Assessment & Recommendations

- Recognized economic and community benefits of the project.
- Considered that the 1.8m increase in height compared to the previously approved scheme did not result in any significant impacts.
- Concerned with the proposed terraces at First and second floors that were very close to the terraces of Genista House and would have a negative effect on residential amenities. It was recommended that these terraces be omitted.
- Recommended approval subject to:
 - Omission of the terraces as described on first and second floors.
 - Transposing conditions from previous outline permission

Discussion

- Janet Howitt: Raised concerns about loss of trees and loss of green area to the south.
- Hector Montado highlighted the proximity to the cliff face and the need to ensure rock stability and maintenance works.

Decision

- A vote was taken on the recommendation to approve the application with additional conditions on tree survey and a survey of the area to the south.:
 - Eight in favour
 - Two against

Outcome

- Outline Planning Permission granted, subject to the following conditions:
 - Condition requiring terraces to residential lodging on the first and second floors of the northern part of the western elevation facing Genista House to be omitted and transposing conditions from the previous OPP to the new one.
 - Tree survey
 - Survey of open area to the south.

7/25 - F/19319/24 – 4 Demaya’s Ramp – Proposed Extension and Refurbishment of Building

Application Details

- Proposal for the extension and refurbishment of an existing building at 4 Demaya’s Ramp.
- Key modifications include:
 - Addition of an extra storey to the existing structure.
 - Internal layout reconfiguration to improve residential use.
 - Refurbishment of external façade to enhance appearance and structural integrity.
 - Installation of energy-efficient features, including double glazing and improved insulation.

Planning History

- Members had previously refused an application on this site for two additional storeys July 2023. At the time, the Town Planning Department recommended that a one storey extension with pitched roof would be acceptable on the site with structural glass elements rather than fixed windows on the north- west elevation of the building on the basis that it would sit more comfortably and assimilate into its surroundings when viewed from a distance and closer views. This recommendation was not accepted by Members.

Consultee Comments

- Department of the Environment:
 - Requests a Predictive EPC to ensure energy efficiency.
 - No works to be conducted during breeding season without prior notification.

- Final location of bird and bat nest boxes to be agreed
- Technical Services Department (TSD):
 - Note existence of retaining walls that could be affected.
- Ministry for Heritage:
 - Requirement for archaeological watching brief.
 - Clay tiles to be use for pitched roof.

Planning Assessment & Recommendations

- The proposal is effectively what had been suggested by the Town Planning Department when the previous application had been considered.
- It is acceptable, but Members would need to take a view on it.
- If Members considered it acceptable the Town Planning Department recommends including conditions:
 - Omission of fixed windows on Northeast elevation to be replaced with the incorporation of structural glass elements.
 - Sustainability and Renewables Statement and pre-EPC is submitted for approval by the DOE prior to any Planning Permission being issued.
 - Bird and Bat survey to be undertaken prior to commencement of works.

Discussion

- Claire Montado: queried if the structural glass elements could have the appearance of windows and that shutters should be added. Stephen Martinez for the applicant confirmed that this could be done.

Decision

- A vote was taken on whether to approve the application with the conditions proposed by Town Planning and additionally for the glass elements to be in the form of windows and shutters to be included.
 - Unanimously approved.
- Full Planning Permission granted, subject to the following conditions:
 - Omission of fixed windows to be replaced with structural glass element, in the form of windows with recessed fixed open shutters.
 - Sustainability and Renewables Statement and pre-EPC is submitted for approval by the DOE prior to any Planning Permission being issued.
 - Bird and Bat survey to be undertaken prior to commencement of works.

8/25 - F/19349/24 – The Old Married Quarters, 4 Castle Road – Proposed Refurbishment and Extension of the Existing Building into Residential and Storerooms

Application Details

- The proposal follows on from the approved outline scheme.
- Proposal for the refurbishment and extension of the Old Married Quarters building.
- Key modifications include:
 - Conversion of existing structure into residential units.
 - Addition of new storerooms within the development.
 - Upgrading of existing façade and structural elements.
 - Installation of modern amenities while preserving historical character.

Planning History

- Commission unanimously approved an outline application at DPC meeting held in June 2023 for the refurbishment and extension of the existing building into eight units.

Consultee Comments

- Department of the Environment:
 - Welcome Predictive EPC and NZEB rating.
 - Tree and Plant survey required prior to works commencing.
 - Bat and Bird surveys prior to works commencing.
 - Final bat and bird nesting sites to be agreed; and
 - Final refuse arrangements to be agreed pending negotiations with the Housing Works Agency
 - Proposed landscaping is pending clearance.
- Technical Services Department (TSD):
 - No technical objections
- Gibraltar Heritage Trust & Ministry for Heritage:
 - No comments
- Ministry for Transport:
 - Acknowledged 8 x cycle spaces being provided.

Planning Assessment & Recommendations

- Outline conditions have been adequately addressed.
- Considered a sympathetic and sensitive proposal.

- Planning Department recommends approval, subject to:
 - Heritage license.
 - Details and location of interpretation panels to be submitted and agreed with MfH and GHT.
 - Bat and bird surveys.
 - Final bat and bird nesting sites to be agreed.
 - Transposition of relevant conditions from OPP; and
 - Other standard conditions.

Discussion

- Janet Howitt: sought clarification on landscaping. PC confirmed that the rear area is to be planted as rock gardens. She also asked whether the glazing would be bird friendly. Paul Passano for the applicant confirmed it would.
- MICS – Highlighted that there was a new children’s park in front of the building and that this needs to be protected during construction.

Decision

The application was unanimously approved as per the recommendations with additional conditions for the use of bird-safe glazing and a construction management plan that would include protection measures for the children’s play park.

Outcome

- Full Planning Permission granted, subject to the following conditions:
 - Heritage License
 - Details and location of interpretation panels to be submitted and agreed with MfH and GHT.
 - Bat and bird surveys.
 - Final bat and bird nesting sites to be agreed.
 - Construction management plan with consideration to prevent impact on neighbouring children’s park.
 - Use of bird safe glazing.
 - Transposition of relevant conditions from OPP

9/25 - F/19362/24 – Ashtead Cottage, 10 Willis’s Road – Proposed Alterations to Existing House, Outbuildings, and Garden, Including Re-Construction of the Car Parking Area

Application Details

- Proposal for alterations, refurbishment and extension of an existing detached residential property and surrounding garden area.
- Key modifications include:
 - Internal and external renovations to the main house.
 - Extensions at ground and first floor levels
 - Garden landscaping improvements.
 - Reconstruction of the car parking area, including new access arrangements.

Planning History

- Planning permission granted for extension and refurbishment works in 2017.
- Outline permission refused in 2022 for the demolition of the existing building and construction of five town houses

Consultee Comments

- Department of the Environment:
 - Predictive EPC to be submitted prior to works commencing.
 - Bat and Bird Survey prior to works commencing.
 - Bat and Bird nesting sites in development.
 - No works during the breeding season;
 - No refuse requirements.
- TSD and MoT:
 - No objections – access/egress submitted and approved subject to no loss of on street parking.
- Ministry for Heritage:
 - Support proposal subject to an archaeological watching brief.
 - Welcome the retention and restoration of original architectural features including the colonnade and preservation of arched windows and that any replacements would be designed to match existing.
 - Final landscaping proposals should maintain the historical garden layout as much as possible.

Planning Assessment & Recommendations

- Proposal preserves and retains heritage value of the existing building whilst allowing adaptation to modern living standards.
- Considered to have minimal visual impact.
- Concerned with potential future enclosure of rooftop pergola.
- Planning Department recommends approval, subject to:
 - No future enclosure of open pergola with glass curtains
 - Fire Strategy.
 - Preserve existing arched windows and any replacement windows to be designed to match existing.
 - Detailed landscaping plan including maintenance strategy to be submitted for approval and landscaping works to be completed prior to the completion of the development.
 - Construction Management Plan.
 - Predictive energy assessment.
 - Bat and swift surveys.
 - Bat and swift nesting sites.
 - Archaeological Watching Brief.
 - Other standard conditions to control development during construction including materials and samples etc.

Discussion

- Janet Howitt: Highlighted importance of preserving green spaces in urban areas.

Decision

- The application was approved unanimously in line with the recommendations plus an additional condition for a final landscaping scheme to be submitted for approval.

10/25 - F/19373/24 – 601 Arengo's Gardens, 10 Arengo's Palace Lane – Retrospective Installation of a Pergola

Application Details

- Retrospective application for the installation of an off-white bio climatic pergola on the east facing rooftop terrace.

Planning History

- Highlighted that the original permission for this building included a condition that no additional structures were to be constructed on the roof gardens.

Representations

- Objections received from Management Company
- Key concerns raised:
 - Stated pergola structures are not permissible by Management Company as they are not freestanding.
 - They would follow the decision made by the DPC.

Applicant's Response

- Acknowledged management company's concerns and would accept whatever decision is made by DPC.

Consultee Comments

- No objections had been raised by consultees.

Planning Assessment & Recommendations

- Acknowledged concerns regarding retrospective approval but noted the pergola is not visually intrusive and only covers a small proportion of the roof.
- It is not an enclosed structure.
- There are limited views from the Upper Rock.
- Negligible visual impact.
- Planning Department recommended approval, subject to standard conditions.:

Discussion

- Janet Howitt: Expressed concern over retrospective applications and ensuring planning rules are enforced.

Decision

- A vote was taken on approval of the application as per the recommendations:
 - Seven in favour

- Two abstentions
- It was noted for the record that Minister Orfila had previously left the meeting so was not present for the vote.

Outcome

- The application was approved.

11/25 – F/19400/24 – 607 Arengo's Gardens, 10 Arengo's Palace Lane -- Retrospective installation of a pergola and proposed installation of opaque glazed panels.

Application Details

- Retrospective application for the installation of a metallic grey framed bioclimatic pergola on the west facing penthouse terrace covering the full width.
- Proposal includes installation of opaque glazed panels in the existing gap between the terrace walls for privacy.

Planning History

- Highlighted that the original permission for this building included a condition that no additional structures were to be constructed on the roof gardens.

Representations

- Objections received from Management Company.
- Key concerns raised:
 - Stated pergola structures are not permissible by management company as they are not freestanding.
 - They would follow the decision made by the DPC.

Applicant's Response

- Pergola and panels are designed to be in keeping with surrounding terraces.
- Pergola not visible from street
- Opaque panels will prevent direct overlooking into adjacent properties while Consultee

Comments

- There were no objections from consultees.

Planning Assessment & Recommendations

- In terms of the pergola a visual impact assessment had been undertaken, and it the conclusion was that there any visual impact would be negligible.
- Pergola is set back and retains elements of permeability.

- Would set a precedent but if others followed same design there would not be any objections.
- In relation to the proposed opaque glazing however, it was considered that these were superfluous and did not fully address the privacy arguments as the terrace could still be overlooked.
- They were considered to be the first step in enclosure of the pergola which would move away from a shading structure to a full-blown extension.
- Planning Departments recommendation:
 - Require modification of scheme to omit opaque glazing panels and submit revised plans that would be considered by subcommittee.

Decision

- A vote was taken on the recommendation to require modification of the scheme to omit the glazing panels but approve the pergola.
 - Seven in favour
 - Two against

Outcome

- Modifications be required to omit the glazing and subject to revised plans being approved by subcommittee permission could be granted.

12/25 – F/19444/24 – 602 Arengo's Gardens, 10 Arengo's Palace Lane -- Retrospective installation of a pergola.

Application Details

- Retrospective application for the installation of a bioclimatic pergola on the east facing rooftop terrace.

Planning History

- Highlighted that the original permission for this building included a condition that no additional structures were to be constructed on the roof gardens. There were no objections for this application.

Consultee Comments

- No objections had been raised by consultees.

Planning Assessment & Recommendations

- Acknowledged concerns regarding retrospective approval but noted the pergola is not visually intrusive and only covers a small proportion of the roof.
- It is not an enclosed structure.

- There are limited views from the Upper Rock.
- Negligible visual impact.
- Planning Department recommended approval, subject to standard conditions.:

Discussion

- As this was the same as the proposal under the earlier application F/19373/24 no further points were raised by members.

Decision

- As per the earlier application, the vote was recorded as
 - Seven in favour
 - Two abstentions
 - It was noted for the record that Minister Orfila had previously left the meeting so was not present for the vote. The application was approved by majority vote.

13/25 - F/19378/24 – 2B Castle Steps – Proposed Conversion, Extension, and Alterations to Property

Application Details

- Proposal for the conversion and extension of an existing residential property.
- Key modifications include:
 - Internal reconfiguration to improve layout and living space.
 - Enclosure of existing terrace on ground floor and extension over at first floor level.
 - New pitched roof over proposed extension.
 - Façade refurbishment, including new windows and doors.

Consultee Comments

- Department of the Environment:
 - No objections but requests Predictive EPC to ensure energy efficiency.
 - Solar Panel Statement to be submitted setting out full details and specs on energy production prior to installation.
 - Bat and Bird Survey prior to works commencing.
 - Bat and Bird nesting sites in development.
- Technical Services Department (TSD):

- No technical objections but noted existence of retaining walls that could be affected.
- Gibraltar Heritage Trust & Ministry for Heritage:
 - Volume of development is within capabilities of property.
 - Maintain the character of area with vernacular features.
 - PV panels on the roof need to be assessed within the DPC PV panel policy to ensure that they are placed in the least intrusive and most efficient position.
 - Window schedule required for approval prior to windows/shutters being installed.
 - Require AWB during any groundworks or excavations.

Planning Assessment & Recommendations

- Although large development it is sensitive with no encroaching windows.
- Condition could be included on PV panels.
- It is a constrained site in the Old Town and a proportionate construction management plan would be required to minimise impacts.
- Planning Department recommended approval, subject to:
 - No future enclosure of open pergola with glass curtains
 - Predictive EPC to be submitted for approval.
 - PV panel specs and compliance with PV policy for Old Town to be submitted prior to installation.
 - Window schedule to be submitted for approval prior to installation.
 - Construction management plan.
 - Bat and swift surveys.
 - Bat and swift nesting sites to be agreed.
 - Other standard conditions to control dev during construction including materials and samples etc.

Discussion

- Janet Howitt: highlighted the fact that it is a tight site and the difficulties of constructing here.

Decision

- The application was approved unanimously in line with the recommendations.

14/25 - F/19390/24 – 7 Morello’s Ramp – Proposed Redevelopment of Existing Residential Villa and the Construction of Two Additional Town Houses

Application Details

- This is a full application that follows from an outline planning permission.
- It comprises the partial demolition and reconstruction of the Warrant officer’s Quarter building and two additional town houses. Four trees to be removed/replanted and substantive additional planting.

Planning History

- Commission approved an outline application at DPC meeting held in February 2024 for the redevelopment of existing residential villa and the construction of two additional town houses after the scheme had been revised following initial submission.
- The outline had specific conditions requiring a detailed landscaping statement / sustainability and renewables assessment and predictive EPC confirming that the building would meet NZEB requirements and a cultural heritage desk-based assessment in support of the full application.

Consultee Comments

- Department of the Environment:
 - Requests a Predictive EPC and a sustainability statement.
 - Have approved landscaping scheme.
 - Full details of PV panels required.
 - No works during breeding season and details of bird/bat nests to be agreed.
- Technical Services Department (TSD):
 - No technical objections but note there are retaining walls and slopes along the boundaries that could be affected by the works.
- Ministry for Heritage:
 - No objections
 - Confirm full application retained key heritage elements of the original design.
 - Acknowledged applicant’s efforts to sympathetically integrate historic features associated with WOQ and other signature heritage assets on the site.
 - Agree with recommendations of the Archaeological Desk Based Assessment submitted in support of application.
 - Require Archaeological Watching Brief during all groundworks, including geotechnical investigations, demolitions, and excavations.

- Require heritage interpretation panels to be installed and provide historical context about the Warrant Officers Quarters to the public.
- Ministry for Transport:
 - No objections

Planning Assessment & Recommendations

- Outline conditions have been addressed.
- Substantive landscaping proposals and heritage restoration proposals are welcomed.
- Sympathetic and sensitive project.
- Planning Department recommends approval, subject to clearance on sustainability and renewable energy statement and conditions including:
 - Cultural Heritage Management Plan to be prepared and approved prior to works commencing.
 - Archaeological Watching Brief and other recommendations set out in the Desk Based Assessment.
 - PV panel specs and compliance with PV policy for Old Town to be submitted prior to installation.
 - Maintenance scheme for landscaping proposals to be submitted for approval.
 - Details and location of interpretation panels to be submitted and agreed with MfH and GHT.
 - Final bat and bird nesting sites to be agreed.
 - Construction Management Plan.
 - Transposition of relevant conditions from OPP including condition to preclude further structures being provided at roof level; and
 - Other standard conditions

Discussion

- Janet Howitt: expressed a general concern with listed properties being in private ownership with no access for the public.

Decision

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

Minor and Other Works– not within scope of delegated powers

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

15/25 – F/19432/24G – Varyl Begg Estate, Europort Road -- Proposed refurbishment of Malaya House, Ramilies House, Alert House and Repulse House including installation of external wall insulation and render and replacement of windows and doors as well as the provision of enclosures for air conditioning units plus additional balconies.

GoG Application

This application was approved.

16/25 – F/19445/24 – Units 4-6, 13A Palace Gully -- Proposed refurbishment and extension of properties.

This application was approved.

17/25 – MA/19526/24 – 13 South Walk, Europa Walks -- Proposed alterations and extension to residence.

Consideration of Minor Amendments including:

- *minor alterations and conversion of basement area to bedroom; and*
- *installation of additional windows.*

This application was approved.

Applications Granted by Sub Committee under delegated powers (For Information Only and Not for Discussion)

18/25 – F/16246/19G – North Mole Road, Waterport G.E.A Power Station Site, Warehouse Storage Site, Aquagib Premises, Driving School Site – Proposed construction of a new Government housing development consisting of approx. 482 apartments, in blocks of varying heights, between 10 and 13 storeys, including approx. 82 units within an independent living apartment block for the elderly, as well as car parking for residents at levels 0 and 1, podium recreational and landscaped areas at level 2 and commercial units located at level 0 to the West and North of site.

GoG Project

Consideration of Phase 1 colour scheme.

19/25 – F/17130/20 – 14 Governor's Lane -- Proposed demolition of existing dwelling and reconstruction with ground floor and two additional floors incorporating a new roof terrace.

Consideration of request to renew Planning Permission No. 8208.

20/25 – F/17665/21 – 2/1 Cumberland Steps -- New internal entrance door and the installation of a new timber double door to the main entrance lobby of the building.

Consideration of the request to Relax the Building Control Regulations.

21/25 – F/18032/22 – 1B Engineer Road -- Proposed swimming pool and roof terrace.

Consideration of As Built Drawings.

22/25 – O/18247/22 – Ragged Staff Magazine 53 Queensway Road -- Refurbishment of magazines for use as a commercial storage facility.

Consideration of request to renew Outline Planning Permission No. 8706.

23/25 – F/18268/22 – Manchester United Supporters Club, Vaults 31 - 33 Wellington Front -
- Proposed extension of existing licensed area for tables and chairs.

Consideration of request to extend Planning Permission No. 8456 following a trial period.

24/25 – F/18484/22 – 207-209 Main Street -- Proposed minor works for internal refurbishment and terrace enclosure.

Consideration of the request to discharge Conditions 7 & 8 of Planning Permission No. 8520 regarding signage details.

25/25 – F/19275/24 – Unit 2, First Floor, 4 College Lane -- Proposed conversion of first floor offices into a mix of residential apartment (Class C3) and office (Class B1).

26/25 – F/19343/24 – Unit F, Neptune House, Marina Bay -- Retrospective change of use from clinic (Class D1) to micro gym (Class D2).

27/25 – F/19365/24 – 36 Engineer Lane -- Proposed internal alterations and installation of signage.

28/25 – F/19454/24 – 3 West Place of Arms -- Removal of existing damaged timber door and replacement with new timber door to match adjacent unit.

29/25 – F/19494/24 – 13 Amaryllis House, Waterport Terraces -- Retrospective application for the replacement of windows and balcony door.

30/25 – F/19513/24 – 708 Summer Breeze, Royal Ocean Plaza -- Proposed installation of glass curtains.

31/25 – D/16328/19G – Westside Secondary School Site, Queensway -- Proposed demolition of existing Westside Secondary School, comprising various low-rise traditional buildings.

GoG Project

Consideration of revised plans to retain Westside Mews and demolish the Bell Tower.

32/25 – A/19490/24 – Commercial Unit, 1 Imperial Ocean Plaza, Waterport Road -- New graphical content for shop sign (dimensions unchanged from existing) and vinyl manifestation.

33/25 – MA/19466/24 – 24A Prince Edward's Road -- Proposed terrace refurbishment and beautification.

Consideration of Minor Amendments including:

- *removal of the front entrance porch and replace it with a light-weight canopy along the front section of the property.*
- *installing a railing enclosure along the front of the house with gate access to the property; and*
- *adding some wrought iron decoration between the railing and canopy.*

34/25 – Any other business

No other business was raised by Members.

The meeting concluded and the next meeting was confirmed for 20th February 2025.

Chris Key

Secretary to the

Development and Planning Commission