

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 9th meeting of 2025 held remotely via video conferencing on 4th September 2025

Present:

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

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

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

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety Group)

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

Mr C Key (CK)
(Deputy Town Planner)

Mr R Laposi
(Minute Secretary)

Apologies:

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

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

Approval of Minutes

442/25 – Approval of Minutes of the 8th meeting of 2025 held on 21st August 2025.

The minutes of the 8th meeting of 2025 held on 21st August 2025 were not ready and were deferred to the next meeting to approve.

Matters Arising

443/25 – None

Major Developments

444/25 – None

Other Developments

445/25 – F/19020/24 – Unit 5 Casemates House, 18 Casemates Square -- Proposed minor internal alterations, replacement of existing sign and installation of replacement extraction system.

Background

Restaurant unit with mezzanine level located centrally within Casemates House. The unit was previously occupied by Café Modelo and is now occupied by Taco Bell. Residential dwellings are located above and to the rear of Casemates House, which also contains a number of eating establishments and retail units.

Proposal

Retrospective application for:

- minor internal alterations;
- replacement signage;
- installation of a larger kitchen extraction system on the rear façade of the unit; and
- construction of a small cupboard to house gas canisters at the rear.

The application was submitted prior to Taco Bell opening. Initial plans indicated no changes to the extraction system, but the applicant subsequently installed a larger system, resulting in delays in considering this application until the full specifications had been submitted by the applicant. The new extraction system is a UPV-14 electrostatic air purifier with four filtration stages, including activated carbon filters. The rear of Casemates House already contains numerous air conditioning units and plant serving restaurants and cafés.

Public Participation

Notice was served on the management company and LPS.

- LPS confirmed no objections subject to planning approval.

- The management company submitted representations, presented at the meeting by Michele Sanguinetti:
 - the unit is larger than the previous one;
 - the extraction system is not like-for-like;
 - concerns regarding noise and vibration, supported by video evidence not submitted to the Commission.
 - consider that the operator should have connected into existing extraction systems used by other units.
 - reiterated objections once the new specifications were submitted, including concern over placement of gas canisters.

No counter-representations were received.

Consultee Comments

- DOE – require submission of a Predictive EPC;
- EA – no objections and confirmed that they have received no complaints since installation of the larger extraction system;
- MfH – no objections; and
- TSD – no objections.

Planning Assessment & Recommendations

CK confirmed that normally such applications would be considered by the Subcommittee, but this case was referred to the Commission due to the representations that had been received by the Management Committee. CK confirmed that the TPD had no objections to the works that had been undertaken and that the signage accords with the approved schematics for Casemates House;

CK went on to confirm that the specifications for the extraction system confirm a quadruple filtration process, including activated carbon filters, resulting in minimal odour emissions and negligible noise and that the system is considered an upgrade on the previous installation and on many of the systems currently operating on the rear elevation.

CK also stated that the EA raised no objections to the works and had reported no complaints from residents since installation.

TPD noted it was unfortunate that the applicant delayed submitting the necessary specifications while operating the new system.

CK confirmed that the TPD recommended approval subject to standard conditions, with provision for acoustic suppression or a silencer to be installed if required.

Discussion

JH sought clarification on EA's consultation response and whether noise levels had been verified. CK confirmed that EA had been consulted, had no objections, and had received no complaints. The Chairman confirmed that EA, as the competent authority, could intervene if the extraction system failed to operate in accordance with its specifications and could take enforcement action in cases of noise or vibration nuisance.

Decision

The Commission unanimously approved the application in line with TPD's recommendations, subject to standard conditions.

446/25 – F/19805/25 – 7 Seashell House, Beach View Terraces -- Retrospective application for installation of a pergola and the proposed installation of frameless glass curtains.

Background

Application referred to the DPC by the Subcommittee and related to a podium-level flat at Beach View Terraces, fronting Devil's Tower Road.

Proposal

Applicant seeking retrospective permission for a timber pergola that has already been installed on the terrace and planning permission to install glass curtains within the pergola. The glass curtains would match those installed on balconies on the upper floors of the building, for which an approved design exists.

Public Participation

The application was not subject to public participation. Notice was served on the management company, and no comments were received.

Consultee Comments

- DOE – No objections.
- TSD – No objections.

Planning Assessment & Recommendations

CK explained that:

- the application was first considered by the Sub-Committee.
- the TPD have no concerns regarding the unauthorised pergola on the basis that it was similar to the others that have been approved and installed by the Commission throughout the podium level of the development;
- however, the TPD consider that the installation of the glass curtains would give the structure a greater degree of permanence, effectively turning it into a conservatory-type feature; and
- allowing such works would set a precedent within the development and result in an undue visual impact along Devil's Tower Road, which would cumulatively alter the character of the development if repeated elsewhere.

CK recommended approval of the retrospective pergola, subject to a specific condition not approving the proposed glass curtains, together with other standard conditions.

Decision

The Commission unanimously approved the application in line with the TPDs recommendation which included a condition to be added to the Planning Permission not approving the installation of the proposed glass curtains.

447/25 – F/19807/25 – 2 and 6 Gavino's Passage -- Proposed renovation of existing roof cover to the laundry rooms and stair well including the removal of the existing clay roof tiles and corrugated sheets and replacement with new roof panels imitating clay roof tiles.

Background

Full application at 2 & 6 Gavino's Passage to replace the existing roof coverings to the "lavaderos" and a stairwell on a three-storey residential block with a central courtyard. The east "lavadero" comprises Arabic clay tiles whilst the west "lavadero" is part Arabic clay tiles and part corrugated sheeting. The wider Old Town roovescape surrounding the application site is varied and visible from higher vantage points.

The application had been referred to the DPC by the Sub-Committee as the proposals are contrary to the Old Town Design Guide.

Proposal

CK explained that the proposal involves the removal of the existing clay tiles and corrugated sheets above the "lavaderos" to be replaced with Metrolite Roman lightweight steel roof panels (clay-tile profile, red). CK confirmed that the applicant had submitted a structural condition report which states that the existing timber trusses cannot safely support clay tiles without reconstruction as well as a social feasibility statement which highlighted financial hardship within the community of 12 x households, including elderly and large families, and stressed the project could not proceed with traditional tiles. CK also confirmed that the applicants had offered to salvage and donate removed tiles to the heritage bodies and in the submission noted their intention to extend the same roofing system to other roofs of the building in future.

Public Participation

The application site is a freehold property so there are no notice requirements.

Consultee Comments

- DOE – Confirmed that ecological surveys were carried out. Bat surveys found no roosts but recommended the inclusion of bat boxes in the new roofs. Bird surveys identified around ten pairs of nesting swifts that would be displaced. DOE therefore required:
 - An NPA licence before works commence;
 - Provision of both replacement and additional swift nesting sites; and
 - No works during the breeding season.
- MfH – Objected to the replacement of clay tile roofs with lightweight panels, confirming that this conflicted with the Old Town Design Guide. Accepted that corrugated sheeting could be replaced with modern lightweight materials but stressed that replacing tiled roofs would undermine the area's heritage character. Acknowledged the difficult financial and social context but maintained that these factors did not justify departing from the statutory design guide.
- GHT – Highlighted the strong policy presumption for retaining traditional clay tiles and warned of cumulative erosion of the Old Town's character if departures became frequent. At the same time, recognised the residents' financial hardship and suggested

that if the Commission were minded approving, strict conditions should be imposed to ensure reversibility and that salvaged clay tiles are reused or donated for heritage purposes.

- TSD – No objections

Planning Assessment & Recommendations

CK explained that the proposal conflicts with the Old Town Design Guide paragraphs 6.14–6.17, which require traditional pitched roofs to be finished in Arabic tiles and allow modern materials only for corrugated replacements. The Old Town Plan permits departures only in exceptional circumstances. TPD acknowledges and is sympathetic to the applicants' social and financial situation and its intentions to harmonize the material for the other pitched roofs in the future, but these are not considered to constitute exceptional circumstances nor valid material planning considerations in the consideration of this application and the TPD cannot support the replacement of the clay tiles on the basis that it is contrary to the policies of the Old Town Plan and the principles of the Old Town Design Guide. The condition survey showed tiles could be retained if structural works were undertaken.

As the condition survey indicates retention is possible with structural works the lightweight panels would erode the “lavaderos” character for their different texture, reflectivity and materiality, TPD therefore could not support replacement of clay tiles.

CK explained that given the clear policy conflict, the TPD recommend that Members issue a Modification Order to replace the clay tiles on a like-for-like basis with associated works to the roof structure and allow the roof panels to be installed on the part of the “lavadero” roof which currently has corrugated sheeting installed on it so that the proposal complies with the requirements of the Old Town Plan and the Old Town Design Guide. If revised plans are submitted on this basis they could be ratified at Sub-Committee with any Planning Permission to include conditions to cover samples, no works during breeding season, the requirement for the applicant to apply for a Nature Protection Act license, and details of bat and bird nesting sites to be submitted for approval.

Alternatively, if Members do not agree with the recommendations of the TPD and consider that the applicant has exceptional circumstances, and is minded to approve the application as submitted, the TPD would recommended that the Planning Permission include standard conditions and specific conditions requiring samples of the lightweight panels to be submitted for approval, no works during breeding season, the requirement for the applicant to apply for a Nature Protection Act license, and details of bat and bird nesting sites to be submitted for approval

Discussion

Richard Abrines (RA) on behalf of the applicant addressed the Commission. He explained that management of the building had recently been transferred from the Gavino's Trust and there was no sinking fund in place. He outlined the history of the refurbishment project, which had been reduced from an initial £800k–£1m to approximately £300k, focusing only on the roofs. He emphasised the affordability limits of residents, noting that many are elderly and some large families. He warned that if costs were to increase further, participation might be lost. He

stressed the urgent need to address water ingress. He confirmed that the residents were willing to donate salvaged tiles to heritage bodies.

The agent, Gonzalo Cervera Cottrell architect, confirmed the structural challenges. He stated that retaining clay tiles would add around £50,000 to the project and require major renewal of roof trusses. He explained that the lightweight system allowed for a phased approach and that the residents intended to replace the asbestos roofs in the future with the same system.

MEEC enquired about the additional cost and received confirmation that it amounted to approximately £50,000. He recognised the strong social case and noted that this was not a profit-led scheme. He said that refusal risked collapse and greater damage. He stated that he favoured approving the application as an exception with conditions, while ensuring the structure would allow restoration to clay tiles in the future.

HM sought clarification that the £50,000 estimate included structural renewal, and the applicant confirmed this. He later noted that much of the wider roofscape was already covered in corrugated sheeting. In his view, the limited tiled area that remained justified a pragmatic relaxation of policy.

JH asked Members, particularly the Gibraltar Heritage Trust, to clarify whether the proposed materials could be considered acceptable.

CAM confirmed that the Trust's position was to support the Planners in requiring retention of clay tiles and that this had been the basis for refusal at Sub-Committee. She noted that although the social case had been presented and discussed with the applicants, the policy conflict remained real. She highlighted that the £50,000 additional cost for like-for-like replacement was prohibitive for the residents, illustrating the wider issue that although policy requires retention of traditional roofs in the Old Town, many homeowners lack the financial capacity to comply. She referred to conservation grant schemes available in the UK and explained that the Trust aspired to similar support in Gibraltar, but such a scheme was not currently in place. She accepted that there was a strong social case that could benefit the wider conservation of the building and that restoration might be possible in future. On the applicant's offer to donate salvaged tiles, she stated that the offer was genuine but reiterated the recurring difficulty that there is no safe storage available for tiles or other architectural items until they are required elsewhere.

KDS emphasised the practical dilemma faced by residents. In his view, either something affordable should be done now or nothing would be done, which would lead to further deterioration.

CV acknowledged the policy principle but argued that in this case flexibility was warranted. He pointed out that similar obligations were not always enforced, even for listed buildings, and that this was a community of vulnerable residents rather than a developer. He stated his support for approval.

The Chairman summarised that the Members noted the strong social case, lack of conservation-grant support locally, risk of continued deterioration, and the limited extent of remaining tiled area versus broader corrugated sheet roof outside of the site boundaries.

Decision

The Commission approved the application as submitted and subject to the conditions recommended by the TPD by majority vote:

In favour: 9

Against: 0

Abstentions: 1

448/25 – O/19879/25 – 1 Lower Bruce’s Farm -- Proposed demolition of the existing building and construction of a new dwelling.

Background

The application relates to 1 Lower Bruce’s Farm, located within the Upper Rock Nature Reserve, the Special Area of Conservation, and the buffer zone of the World Heritage Site. The site comprises a single storey detached dwelling with a partial mezzanine and pitched roof. It forms part of a row of four detached dwellings accessed off Queen’s Road, thought to have originated in the late 19th century as military or service dwellings set on a man-made platform overlooking Lewis’s Battery and the Old Town.

The 641sqm site slopes steeply to the west and contains areas of hardstanding, outbuildings, a pergola, swimming pool, and terraced gardens with retaining walls and stone staircases. Visibility is limited from Queen’s Road and from medium- and long-distance views due to the topography and surrounding vegetation.

Proposal

CK explained that the applicant is seeking outline planning permission for the demolition of the existing dwelling and the construction of a replacement two-storey dwelling, with a maximum height of approximately 6m, incorporating a flat cantilevered green roof and associated landscaping. CK confirmed that the building footprint has been set back further into the site to reduce visual impact, and the submitted volumetric study confirms compliance with Policy Z9.3, showing the proposal is within the ridge height of the existing dwelling and represents a 16% increase in volume, which is below the 20% volume limit permitted for replacement dwellings in the Nature Reserve.

CK confirmed that sustainability measures include passive shading structures, large windows for daylighting, thick stone walls for passive cooling, rainwater runoff management, and the provision of green roofs before going on to confirm that the garden will be rearranged, the swimming pool would be relocated, most existing trees would be retained (with one or two relocated near the proposed parking area) and additional trees planted.

Public Participation

The application was subject to public participation, and it was confirmed that no representations had been received.

Consultee Comments

- DOE – Confirmed that they generally oppose new development in the Nature Reserve, however, if approved, any full application must include:
 - a Predictive Energy Assessment confirming that the development meets NZEB requirements;
 - a Renewable Energy Strategy;
 - a Sustainability Statement;
 - a Tree and Plant Survey;
 - a Landscaping Strategy including full details of the green/sedum and proposals to deter Barbary Macaques to stay in the area;
 - a Green Area Maintenance Plan; as well as
 - a requirement to obtain a license under Nature Protection Act; and
 - consultation with Cleansing Superintendent to agree refuse requirements for the development.
- GFRS – Require a Fire Strategy to be submitted in support of the full application.
- MfH – No objections. Consider that the scheme is acceptable with limited mass, low visual impact, and natural finishes and require:
 - a photographic and descriptive survey of existing structures on the site;
 - confirm that lighting design would need to be carefully managed and that low impact shielded lighting should be used; and
 - an Archaeological Watching Brief during groundworks
- TSD – No objections.

Planning Assessment & Recommendations

CK explained that the scheme had been revised in line with pre-application advice and that it complies with Policy Z9.3. CK confirmed that the TPD welcomed the adaptive approach, noting that the dwelling is set back into the site and integrated with the topography, resulting in a reduced visual impact.

TPD considered that while the proposal represents a departure from the existing architectural character, the material palette and design have been adapted to the natural setting. The application demonstrates compliance with Policy Z9.3 as well as other relevant policies of the Gibraltar Development Plan.

CK summarised the TPD's recommendation including the approval of the outline application subject to conditions requiring the submission of technical reports to address points raised by consultees and the requirement for a proportionate Construction Environmental Management Plan which would also need to include a Construction Management Plan.

Discussion

JH asked how the blending-in effect of the new dwelling would be demonstrated at full planning stage. She also raised questions on the excavation required, including the removal of rock and soil, and about the treatment of the remainder of the garden. In addition, she asked whether long-distance views had been taken into account when assessing the application.

The Chairman explained that the TPD had carried out a landscape visual impact assessment and that the submission included long-distance views. CK reminded members that aerial photographs such as Google Earth imagery are used only for orientation.

The applicant's agent confirmed that long-distance views had been considered as part of this outline application and would again be addressed at the full planning stage.

MEEC asked about the removal of trees, particularly at the proposed on-site parking area. He also asked for confirmation of the volumetric study and clarification on the status of parking outside the site boundary. He stressed that although the volumetric increase of 16% was within the 20% limit set for developments in the Nature Reserve, he could not support the creation of new private parking where it required the removal of trees and vegetation. He added that the road could not be closed during construction and confirmed that a licence under the Nature Protection Act would be required.

MEEC also requested that the Construction Environmental Management Plan include an environmental assessment of potential threats and mitigation in line with DOE advice. He stated that while he considered the visual impact of the proposal acceptable, landscaping plans would need to be developed with DOE input. He recommended that biodiversity measures, such as integrating bird boxes suitable for blue tits, should be included. He also questioned the use of sedum for the green roof and suggested that a roof based on natural vegetation would provide better biodiversity and achieve net gain.

The applicant's agent responded that the proposed material and colour palette had been designed to blend the dwelling into the setting. She explained that the existing building has a partial basement, which would reduce excavation needs. While the replacement dwelling would be set back further into the site, it would remain largely within the footprint of the existing building, which already has extensions cut into the ground on the east side.

The applicant's agent further confirmed that additional trees would be planted, with the overall aim of reorganising the landscaped areas to improve usability while retaining greenery. She acknowledged that at the small, proposed parking area near the entrance, some vegetation might need to be removed, which could include existing trees.

CAM stated that the existing building had no architectural significance comparable to other buildings in the area, such as Bruce's Farm. She asked whether restoration had been considered. She confirmed that the Trust did not object significantly to this proposal. However, she stressed that the Commission should remain cautious about creating a precedent for redevelopment that might threaten the survival of other historic buildings in the Upper Rock.

The Chairman concluded the discussion by confirming that no heritage significance was in question for this site. He summarised that while the application complied with volumetric limits, concerns remained about the proposed parking and removal of trees.

He also confirmed that the visual impact was considered acceptable and reiterated that a Nature Protection Act licence, landscaping strategy, biodiversity measures, and a proportionate CEMP with environmental safeguards would be required.

Decision

The Commission unanimously approved the outline application, subject to the following conditions:

- NZEB compliance and submission of a Predictive Energy Assessment'
- Renewable energy strategy
- Sustainability statement;
- Tree and Plant Survey;
- Landscaping strategy including green roof details, macaque deterrence, use of native species;
- Green Area Maintenance Plan;
- a requirement to obtain a license under Nature Protection Act;
- refuse requirements to be agreed;
- Submission of a Fire strategy;
- Submission of a Photographic and descriptive survey;
- Lighting Strategy with a low-impact lighting design;
- Archaeological watching brief;
- Proportionate CEMP including CMP and environmental assessment;
- Bat and Bird Surveys;
- Bat and bird nesting sites including nesting sites for Blue Tits;
- Bird collision deterrence measures;

449/25 – F/19916/25 –8 Transport Lane -- Proposed creation of a landscaped garden and deck area within the adjacent open land, extending the existing patio parapet and fence to enclose the area.

This item was deferred at the request of the applicant.

Minor and Other Works– not within scope of delegated powers

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

450/25 – F/17871/21 – Seabed of the Outer Marina Waters South-West of the Airport Runway Revetment (RAF Gibraltar) -- Proposed installation of a 30 linear meter piled wave attenuator.

Consideration of request to renew Planning Permission No. 8406.

JH confirmed that she had objected to this application when it was initially considered on the grounds that the proposal would result in narrowing the path for navigation and that the project was approved on the basis that the wave attenuator was essential and necessary. JH went on to state that she is surprised that the works had not taken place to date and that the works cannot be deemed to be urgent and that the ESG objects to the renewal request.

CK provided additional information regarding the reason for the request to renew the Planning Permission. CK confirmed that the applicant had been undertaking pre-construction activity and preparing the necessary reports to discharge the Pre Commencement Conditions

including the Condition Survey report of the airfield which had just been submitted and in the process of being cleared by the pertinent authorities.

The Commission approved the request to renew to Planning Permission by majority vote:

In favour: 8

Against: 1

Abstentions: 1

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

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

451/25 – O/18850/23 – 66-68 Devil's Tower Road -- Proposed extension, alterations and redevelopment of building with addition of new storage units.

Consideration of request to renew Outline Planning Permission No. 9000.

452/25 – F/18980/23 - 16/2B Main Street -- Proposed minor alterations and refurbishment and decontrol of apartment premises.

Consideration of materials and façade works to discharge Conditions 3 and 4 of Planning Permission No. 9002.

453/25 – F/18984/23 - 16/2C Main Street -- Proposed minor alterations and refurbishment and decontrol of apartment premises.

Consideration of façade and cabling/pipework works to discharge Conditions 2 and 3 of Planning Permission No. 9004.

454/25 – F/19084/24 – 9 Devils Tower Road, 5 Lady Williams Close -- Proposed 12th floor extension over part of the building footprint.

Consideration of landscaping proposals for development.

455/25 – F/19764/25 – 123 Main Street -- Proposed refurbishment of building including contemporary roof extension and change of use from offices (Class B1) to residential (Class C3).

Consideration of revised plans to address Modification Order.

456/25 – F/19808/25 – 9/8 Carreras Passage -- Decontrol works, proposed internal alterations and replacement windows.

457/25 – F/19886/25 – House 20, North Gorge -- Proposed installation of a retractable awning to the second-floor terrace.

458/25 – F/19927/25G – Car Park below Governor's Meadow School, Bishop Fitzgerald School and St. Martin's School -- Proposed installation of new ventilation louvres to be added to the external walls of car park.

GoG Application

459/25 – A/19943/25 – Morrisons Roundabout -- Proposed installation of banner to advertise to advertise charity car boot sale.

460/25 – MA/19061/24 – 9 Devils Tower Road, 5 Lady Williams Close -- Proposed construction of a 10 x storey hotel/ aparthotel.

Consideration of minor amendments including:

- *updates to ground floor layout including occupiers lounge area;*
- *updates to first floor layouts including reduced area and changed layout to communal toilets and additional offices in approved occupier's lounge which has moved to the ground floor;*
- *minor internal layout changes in some apartments throughout building;*
- *added plant area at eleventh floor; and*
- *change of colours to the façade of the building*

Consideration of landscaping plans to discharge Condition 15 of Planning Permission No. 6578E.

461/25 – Any other business

There was no other business.

The Chairman confirmed that the date of the next meeting would be 16 October 2025.

Chris Key

Secretary to the

Development and Planning Commission