

## THE DEVELOPMENT AND PLANNING COMMISSION

### MINUTES

Minutes for the 1st meeting of 2026 held remotely via video conferencing on 22nd January 2026.

- 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)
  - Dr K Bensusan (KB)  
(Gibraltar Ornithological & Natural History Society)
  - Mr C Viagas (CV)
  - Mrs J Howitt (JH)  
(Environmental Safety Group)
  - Mr C Freeland (CF)  
(Rep Commander British Forces, Gibraltar)
  - Mr C Key (CK)  
(Deputy Town Planner)
  - Mr J Celecia  
(Minute Secretary)
- Apologies:**
- The Hon Dr J Garcia (DCM)  
(Deputy Chief Minister)

## Approval of Minutes

### 1/26 – Approval of Minutes of the 12th meeting of 2025 held on 11th December 2025.

The Minutes of the 12th meeting of 2025 held on 11th December 2025 were approved subject to minor amendments suggested by JH to Item 519/25.

## Matters Arising

### 2/26 - None

## Major Developments

### 3/26 – D/20055/25G – Extension Jetty No. 3, North Mole -- Proposed demolition of jetty.

#### Background and Planning History

The site comprises Extension Jetty No. 3, located within the Inner Harbour and within the Port area, approximately 146m west of GASA Bathing Pavilion and 100m west of Westview Park.

The jetty measures approximately 245m in length and 12.2m in width. It consists of a reinforced concrete deck supported by Larssen BP3 box piles and six cylindrical caissons. The structure is currently used as a berth for refuelling yachts and small coaster vessels and for topping up bunker barges with fuel and cargo. Associated infrastructure includes fuel pipelines, swinging fenders and bollards.

A separate planning application for reclamation in front of Westview Park has been submitted and remains under consideration. Jetty No. 3 extends into the footprint of that proposed reclamation. An Environmental Statement has been submitted in support of the reclamation application and is currently undergoing public participation.

The applicant has confirmed in writing that demolition works will be completed prior to commencement of reclamation works and that both projects will operate independently with no programme overlap. The application has been advertised and is subject to Section 57 procedure.

#### Public Participation

The Chairman reminded Members that once documents are received by the TPD, they are uploaded to the portal and are available for public inspection.

#### Proposal and Supporting Information

The application is supported by a Demolition Method Statement confirming that works will comprise:

- Site mobilisation and deployment of marine spread barge;
- Removal of jetty furniture including decommissioning of pipes and bunkering facilities;
- In-situ demolition of piles and caissons;
- Debris recovery using underwater magnet and grab methodology;

- Reuse of suitable concrete debris as rock armour for the proposed reclamation project;
- Transportation and disposal of construction waste to recycling yard;
- Post-demolition seabed survey to confirm no residual debris remains.

A Construction Environmental Management Plan, including a Construction Traffic Management Plan, is being prepared. An ecological survey covering the jetty, intertidal and subtidal environments has been commissioned and will be submitted for clearance prior to commencement of works.

### **Representations by Objectors and Counter-representations**

One representation was received from Mrs Josephine Kim Bain. The objector did not request to address the Commission.

Concerns raised included:

- Loss of bunkering operations and whether alternatives would be provided.
- Loss of berthing spaces and management of displaced vessels.
- Environmental impacts including seabed disturbance and habitat loss.
- Protection of water quality and prevention of turbidity or contamination.
- Impacts on dolphins observed feeding in the Inner Harbour.
- Clarification regarding the structural condition of the existing jetty.
- Relationship of the demolition to the wider Inner Harbour reclamation project.

No counter-representations were received. Additional correspondence from ESG raising environmental concerns was circulated to Members.

### **Consultation Responses & Discussion**

EA

- No objections on Environmental Health grounds subject to detailed technical requirements including prevention of dust, noise, etc. to the inhabitants of the neighbourhood and Dust Control Plan.

DOE

- Advised that demolition ideally should have formed part of the wider reclamation EIA.
- Require oil containment boom during disconnection and removal of bunkering equipment.
- Submission of an Oil Spill Response Plan prior to commencement.
- Method Statement for recovery of demolition material including use of silt curtains.
- Chemical analysis of debris if reused as infill.
- Post-demolition marine diver video survey.

- Immediate cessation of works in the event of cetacean sightings.
- Noise suppression method statement.

#### Gibraltar Civil Aviation Authority

- No objection subject to compliance and cooperation with the Aerodrome Authority where cranes or plant exceed the height of any runway OLS.

#### TSD

- No civil or infrastructure engineering objections.

#### MfH

- No heritage objections. The jetty is a modern functional maritime structure and not protected.

#### DLA, GEA, GFRS, GHT, GPA, GTB, LPS, MoT

- No comments received.

JH raised concerns regarding the impact on neighbouring residential families, including environmental standards and potential noise impacts. Mr Stephen Orciel (SO), on behalf of the applicant, confirmed that while there would inevitably be noise associated with demolition works, this would be significantly mitigated through the measures proposed and compliance with planning conditions.

JH requested that there be appropriate contact between the contractor and neighbouring residents. TSO advised that the relevant environmental authority should act as the point of contact for members of the public.

JH further enquired about the timeframe and working hours. Mr John Joe De La Paz (JJ), also on behalf of the applicant, advised that works were expected to take approximately four to eight weeks and would be carried out during normal working hours in accordance with planning permission.

#### **Planning Assessment & Recommendations**

The TPD raised no in-principal objection to the demolition of Jetty No. 3. While it would have been preferable to assess this proposal concurrently with the reclamation application, the applicant has confirmed that the demolition will be completed prior to commencement of reclamation works and that both projects will operate independently with no programme overlap.

The principal planning considerations relate to environmental protection, marine ecology, water quality, noise, and maritime operational safety. The Demolition Method Statement outlines a phased and controlled approach to dismantling the structure and recovering debris. The reuse of suitable concrete as rock armour would be subject to chemical testing and verification to ensure no contamination risks arise.

The Department considers that environmental impacts associated with the demolition can be appropriately addressed through the mitigation measures proposed by the applicant together

with the requirements set out by DOE. These include submission and approval of an Ecological Survey, Oil Spill Response Plan, CEMP and CTMP, Noise Suppression Method Statement, Recovery Method Statement, debris testing and analysis, and a post-demolition marine survey.

The requirement for prior approval of these documents provides sufficient regulatory control and enables further mitigation to be secured where necessary. Subject to these safeguards, the impacts arising from demolition are considered capable of being mitigated to an acceptable level.

The recommendation was to approve the demolition application subject to conditions.

### **Decision**

Unanimously approved.

### **Conditions for Final Approval**

- Ecological survey prior to commencement.
- Noise suppression method statement.
- Oil Spill Response Plan prior to commencement.
- Use of oil containment boom during removal of bunkering equipment.
- Submission and approval of CEMP and CTMP.
- Use of silt curtains to control suspended solids and potential contamination.
- Cetacean monitoring and stop-work protocol.
- Chemical analysis of debris prior to reuse.
- Post-demolition marine diver video survey.
- Compliance with OLS requirements where cranes or plant exceed limits.
- Standard conditions.

### **Outcome**

Demolition permission granted subject to above conditions.

**4/26 – O/19529/24 – 47 Line Wall Road -- Proposed partial demolition of existing building, retain and reinstate traditional facades, and construction of a new office development.**

### **Background and Planning History**

The site comprises a 371sqm brownfield plot located on the east side of Line Wall Road at the junction with College Lane. It is currently occupied by a four-storey residential building incorporating the former Amar's Bakery at ground floor level. The site occupies a prominent position along Line Wall Road and is visible in longer-distance views from the west, within the wider setting of the City Walls and historic fortifications.

Planning history includes:

- 2008 – 10-storey scheme refused.
- 2009 – 7-storey scheme granted outline and full planning permission (expired July 2016).
- 2018 – 8-storey proposal refused (reason: demolition concerns).
- 2019 – 7-storey scheme (21.6–22.8m), demolition with retention of ground and first floor façade to College Lane; 24 apartments; deferred at applicant’s request.

The principle of redevelopment is therefore well established through previous applications.

### **Public Participation**

The application was subject to public participation. Three representations were received on the original submission. The revised six-storey scheme was re-consulted and a further four representations were received. No counter-representations were submitted.

### **Proposal and Supporting Information**

The application seeks Outline Planning Permission for redevelopment of the site to provide a contemporary office building, including partial demolition, retention and reinstatement of traditional façades, construction of a new office building and associated public realm works.

The original submission proposed eight storeys. Following engagement with TPD and consultees, the scheme was revised to:

- Reduce height from eight to six storeys.
- Simplify the roof profile.
- Remove substantive roof accommodation, limited to lift and stair access.
- Increase upper-level setbacks.
- Commit to refining the southern façade and double-height glazing on the west façade.
- Address highways concerns, including reinstatement of loading and drop-off bays at full stage.

The applicant is targeting a “BREEAM Excellent” rating. No dedicated car parking is proposed, justified by the town centre location, proximity to public transport and provision of cycle parking and electric scooter and bicycle charging.

### **Representations by Objectors and Counter-representations**

Objectors raised concerns in relation to:

- Height, Scale and Policy Compliance – The proposed six storeys exceeds the Old Town expectation of five storeys and constitutes a tall building under Policy OTC6 without sufficient justification of being an exceptional case.
- Massing and Townscape Impact – Bulk, extent of glazing and limited setbacks considered likely to appear dominant and increase enclosure along College Lane.
- Daylight and Sunlight – No daylight and sunlight assessment submitted; concerns regarding reduced light, overshadowing and restricted sky views.

- Privacy and Overlooking – Potential overlooking from upper office floors into nearby residential properties.
- Heritage and Façade Retention – View that façade retention alone would not adequately safeguard Old Town character.
- Outline Status – Concern that critical design elements remain undefined at outline stage.
- Precedent – Concern that approval could normalise departures from established Old Town height policy.

All objectors maintained their opposition on the basis of residual height, unresolved design detail, amenity impacts and townscape concerns.

During the meeting, Mr Everest addressed the Commission, reiterating concerns regarding height, massing, policy compliance, amenity impacts and precedent. He stated that six storeys remained excessive within the Old Town context and emphasised the absence of a daylight and sunlight assessment.

Dilip Taylor also addressed the Commission, raising similar concerns and noting that his property faces the rear of the site.

### **Consultation Responses & Discussion**

#### DOE

- Require sustainability and renewables assessment at full stage.
- PV panel statement.
- Bat and bird surveys and nesting integration.
- Landscaping details including green roofs and walls.
- Refuse arrangements.

#### GFRS

- Fire Strategy required at full stage.

#### MfH

- No objection.
- Support reinstated façade.
- Consider revised scheme balances historic frontage with recessed contemporary development.
- Require façade retention method statement and Archaeological Watching Brief.

#### MoT / TC

- Object to loss of loading and unloading bays; require reinstatement at full stage.

- Require bicycle parking provision.
- Swept path analysis and planter height controls.
- No temporary closure of Line Wall Road permitted.

#### TSD

- No objection.
- Require sewerage study at full stage.

#### GHT / MoEq

- No comments received

The Applicant presented the proposal. Candice Marsh explained the “BREEAM Excellent” rating target and the sustainability strategy underpinning the scheme.

Mr Everest reiterated the objectors’ concerns and in his answer to a query from JH, suggested that closer liaison with neighbouring residents would be beneficial to allow the application to proceed.

Mr Christian Revagiatte (CR), on behalf of the applicant, emphasised that this is an outline application and explained the parameters fixed at this stage, including land use, height and massing. He referred to the proposed setbacks, the contextual appropriateness of six storeys within this part of the Old Town, the existence of previous approvals on the site and the regeneration of a brownfield location. He stated that exceptional circumstances could be justified in urban design terms and that detailed matters would be addressed at full stage.

GM queried whether setbacks were only provided from Line Wall Road. The Chairman clarified that setbacks were also proposed along the College Lane elevation.

JH raised concerns regarding impact on neighbouring light, the sewerage capacity in the area, impact on pedestrians, and the lack of an active ground floor use, noting that an office-only ground floor may not promote integration with the public realm. Concerns were also expressed regarding potential loss of parking spaces. CK clarified that parking spaces would not be lost.

The Chairman reiterated that this is an outline application and that conditions would secure all necessary reports and mitigation measures at full stage.

CAM expressed support for the TPD’s assessment and the regeneration of the building, stressing the importance of ensuring that all required technical reports are completed.

#### **Planning Assessment & Recommendations**

The TPD advised that there is no in-principal objection to office use on this site. The principle of redevelopment is established through planning history and is supported by GDP policies promoting economic development and provision of modern office accommodation.

In respect of height and tall building policy, the proposal exceeds the Old Town expectation of five storeys and must therefore be assessed under Policy OTC6 of the Old Town Plan and

Policy GDS15 of the GDP. These policies allow taller buildings where justified in urban design terms and where impacts are acceptable.

The reduction from eight to six storeys, removal of substantive roof accommodation, increased setbacks and simplified roof form were considered to represent substantive improvements that materially reduce visual prominence and skyline impact. While objections maintain that six storeys remain excessive, the Department considers that the proposal is capable of justification under the relevant policy tests, subject to detailed resolution at full stage.

Given the site's prominence and proximity to historic assets, townscape and heritage impacts are key considerations. The retention and reinstatement of traditional façades is supported by MfH. At outline stage, heritage impact is considered acceptable in principle, subject to detailed façade design, materials and retention methodology.

Concerns regarding daylight, sunlight, overshadowing and overlooking are acknowledged. As this is an outline application, detailed daylight and sunlight assessments, shadowing studies and microclimate analysis can be secured by condition at full stage, consistent with previous outline permissions of comparable scale.

Although detailed façade articulation and glazing remain to be resolved, the outline application fixes the principal development parameters. It is considered appropriate for detailed design matters to be secured by condition.

On balance, the TPD considers the revised proposal acceptable in principle. Approval is recommended, subject to waiving car parking standards and subject to conditions addressing design refinement, sustainability, amenity, highways, servicing, technical infrastructure and heritage matters.

### **Decision**

In favour: 9

Against: 2

Abstained: 0

Application approved by majority.

### **Conditions for Final Approval**

Approval subject to conditions including:

- Detailed design conditions addressing southern façade and west elevation glazing.
- External materials and façade strategy including retention methodology.
- Bird-safe glazing.
- Lighting strategy.
- Daylight, sunlight and shadowing assessment.
- Microclimate study.

- Sustainability and renewables assessment (NZEB).
- PV panel statement.
- Landscaping and green maintenance plan.
- Bird and bat surveys and habitat integration.
- Swept path analysis and planter controls.
- CEMP including dust, noise and highway management.
- Reinstatement of loading bays and updated public realm drawings.
- Cycle parking and electric charging provision.
- Retention of accessible parking bay.
- Refuse details.
- Sewerage capacity assessment.
- External plant and AC screening.
- Fire strategy.
- Accessibility compliance.
- Signage details.
- Archaeological Watching Brief.
- Technical Services compliance.
- Other standard conditions.

### **Outcome**

Outline Planning Permission granted subject to above conditions.

JH left the meeting at the end of this item.

### **Other Developments**

**5/26 – F/19339/24 – Unit 14, 3 South Dockyard Approach -- Proposed light industrial unit / workshop.**

#### **Background and Planning History**

The site comprises a vacant plot located on the southern part of the historic dockyard complex. It sits at the end of an internal vehicular access road and is currently laid out as four car parking spaces which also provide access to other units within the complex.

The site is bounded by the Dutch Magazine, adjoins a single-storey industrial building with pitched roof to the east, and adjoins a strip of vegetated land to the south. The wider context is

industrial in character, with strong heritage associations linked to the historic dockyard setting.

The TPD has been engaging with the applicant across a number of applications and enforcement matters concerning informal structures erected within the South Dockyard complex. This application forms part of a broader exercise to comprehensively review and rationalise structures and land uses within the area, in order to consolidate and significantly declutter the applicant's assets and enable further development opportunities.

Ongoing engagement has taken place with LPS regarding both this proposal and the wider regularisation of the site. LPS has indicated no objection subject to conditions discussed at a recent site meeting.

### **Public Participation**

No representations were received.

### **Proposal and Supporting Information**

The proposal seeks permission for:

- A single-storey, triangular-shaped building with pitched roof.
- Use as a light industrial unit / motorcycle repair workshop.

The scheme aims to revitalise the site through replication of existing dockyard façade characteristics, respect for the traditional industrial aesthetic and incorporation of contemporary elements appropriate to a modern light industrial unit.

The prominent north elevation overlooking the service road incorporates a transparent, non-reflective glazed façade with bird-safe finishes, intended to provide visual connection between internal workshop activity and the external industrial setting.

Existing vegetation and trees to the west are to be retained.

Sustainability measures include rainwater harvesting, installation of photovoltaic panels and re-provision of the four existing parking spaces.

The proposal also facilitates dismantling of an existing informal structure located within the area earmarked for re-provided parking, aligning with the wider strategy addressing unauthorised works within the dockyard complex.

### **Consultation Responses & Discussion**

DOE

- Sustainability and Renewables Statement required.
- Predictive EPC confirming compliance with NZEB requirements.
- PV Panel details and report.
- No works during breeding season.
- Final details of bird collision deterrence measures.

#### MfH

- No objection.
- Consider the proposal sensitive and well considered in heritage terms.
- Design reflects the industrial aesthetic while introducing a contemporary glazed façade.
- Architectural integration within the historic dockyard setting considered positive.
- Require ongoing consultation during construction phase.

#### TSD

- No objection subject to necessary technical clearances.

#### MoT

- No objection.

#### GHT

- No comments received.

During discussion, CAM expressed support for the removal of the unauthorised structure as part of the wider rationalisation of the South Dockyard area. CAM requested that exposed breezeblock elements be rendered, noting that unfinished blockwork does not weather well within the dockyard environment.

#### **Planning Assessment & Recommendations**

The TPD supports the proposal. The scheme represents an improvement to the built environment adjacent to the Dutch Magazine and contributes positively to the rationalisation and decluttering of the South Dockyard area in line with emerging Masterplan objectives.

In design terms, the building is consistent with the industrial character of the dockyard and reflects the heritage context while remaining functional in its architectural expression. The contemporary glazed north elevation is considered appropriate within this industrial setting and does not undermine the historic character of the wider complex. The retention of existing vegetation further assists in integrating the development into its surroundings.

The use as a light industrial unit is appropriate in this location and policy compliant. The re-provision of parking spaces maintains existing access arrangements. Importantly, the development facilitates the removal of an existing informal structure, contributing to the wider regularisation strategy for the dockyard complex.

An Access Plan is required to be agreed with LPS prior to commencement of works. The informal structure must be dismantled within six months of the commencement of development.

Subject to compliance with sustainability, heritage and environmental requirements, and subject to appropriate façade treatment of breezeblock elements, the proposal is considered acceptable.

Approval is recommended subject to conditions.

### **Decision**

Unanimously approved.

### **Conditions for Final Approval**

Approval subject to conditions including:

- Access Plan to be agreed with LPS prior to commencement.
- Dismantling of informal structure within six months of commencement.
- Sustainability and Renewables Statement.
- Predictive EPC confirming NZEB compliance.
- PV Panel details and report.
- Tree protection measures.
- Green area maintenance plan.
- Bird collision deterrence measures.
- Ongoing consultation with heritage bodies during construction.
- Proportionate Construction Management Plan.
- Final refuse requirements.
- Rendering and appropriate façade treatment of breezeblock elements.
- Other standard conditions.

### **Outcome**

Planning permission granted subject to above conditions.

**6/26 – F/19821/25 – 4/4 Crutchett's Ramp -- Proposed removal of the existing front window to be replaced with a new entrance and doorway.**

### **Background and Planning History**

The application relates to an existing barbershop located on Crutchett's Ramp within a Secondary Shopping Frontage in the Old Town. The premises is currently accessed via the adjacent unit, a dog grooming business. The proposal seeks to create an independent entrance directly from the street.

Crutchett's Ramp is a narrow street characterised by traditional façades with consistent proportions and rhythm, forming a visually cohesive streetscape within the Old Town.

Advertisement consent for installation of signage was approved at Sub-Committee on 19 April 2024.

## Public Participation

No representations were received.

## Proposal and Supporting Information

The proposal seeks:

- Removal of the existing front window.
- Conversion of the window opening into a new entrance doorway.
- Associated internal alterations, including blocking up the existing shared entrance.

Notice has been served on the landlord.

## Consultation Responses & Discussion

DOE

- No objection.

MfH

- Confirm that the existing façade retains original proportions and contributes positively to the rhythm and character of the stepped ramp.
- Consider that insertion of a doorway would interrupt the historic architectural balance of the elevation.
- Whilst acknowledging the practical reasoning behind the proposal, do not support it as it would result in:
  - Loss of historic symmetry and rhythm.
  - Erosion of character along a cohesive Old Town streetscape.
  - Creation of precedent for similar alterations in sensitive areas.
- Request that the applicant explore alternative internal solutions or demonstrate, with historical evidence, that the window is not original or of heritage value.

Samuel Marrache, on behalf of the applicant, addressed the Commission. He set out the rationale for the proposal, explaining the operational difficulties arising from reliance on access through the neighbouring unit and the commercial need for an independent entrance. He argued that the alteration would be limited in scope, confined to an existing opening, and would not materially harm the wider streetscape. He submitted that the change should be viewed as a proportionate response to a practical issue faced by the business.

CAM stated that she had not been contacted to discuss the proposal and queried whether the applicant owned the premises. SM confirmed that the applicant is a tenant and stated that he assumed landlord consent had been obtained.

CK reiterated the heritage concerns raised by MfH and the Department's position.

MEEC expressed support for the application.

CAM reiterated that she did not support the proposal, citing heritage impact and the risk of setting a precedent within the Old Town.

### **Planning Assessment & Recommendations**

The TPD shared the concerns raised by MfH. The Commission has consistently sought to retain original façades within the Old Town and has only supported alterations where clear evidence has demonstrated that elements were previously altered or are not of historic value.

No evidence was submitted to demonstrate that the existing window is a later alteration or lacks heritage significance. The proposal would convert an existing window into a doorway, thereby altering the established symmetry and rhythm of the elevation. Crutchett's Ramp exhibits a strong visual cohesion, particularly in its narrow, stepped form and consistent façade composition.

The Department considered that approval could establish a precedent for similar alterations along this and other sensitive Old Town streets, potentially leading to incremental erosion of character.

While the applicant's desire for independent access is understood, this practical consideration was not considered by the Department to outweigh the identified heritage and townscape harm.

The recommendation was to refuse permission.

### **Decision**

In favour of the recommendation to refuse: 4

Against the recommendation to refuse: 6

Abstained: 0

Application approved by majority.

### **Outcome**

Planning permission granted contrary to the Department's recommendation.

**7/26 – F/19995/25 – 9A Gardiner's Road -- Proposed partial storey to existing property with roof terrace.**

***Follows on from Outline application.***

### **Background and Planning History**

The site comprises a four-storey building with pitched roof located to the rear of Gardiner's Road and accessed via Green Lane. The building contains four dwellings:

- Two under separate ownership on the lower part of the building.
- Two owned by the applicant, comprising:
  - A lower-floor apartment (subject to retrospective approval in December 2021).
  - An existing house occupying the upper floors.

The applicant's dwelling benefits from private vehicle parking directly outside on the access road and stair access down to the property.

The surrounding area comprises detached and semi-detached properties, some subdivided into flats. There is no uniform architectural style. The site lies directly adjacent to the Nature Reserve.

Outline Planning Permission was granted by majority vote in January 2025 for a partial storey extension with roof terrace. The Outline Permission was subject to conditions requiring:

- Sewerage study.
- Sustainability and Renewables Statement.
- Pre-EPC.
- Bat and swift surveys.
- Construction Traffic Management Plan.
- Waste Management Plan.

### **Public Participation**

Notice was served on adjoining owners. Two representations were received. Both objectors addressed the Commission.

### **Proposal and Supporting Information**

The full application generally follows the approved outline scheme.

Minor design amendments include:

- Introduction of a chimney feature on the northern elevation.
- False pitched roof replacing terrace railings at the southern end.
- Revised design aesthetic for the car port roof.
- Introduction of a pergola at roof level to the rear of the terrace.

A Renewables Assessment has been submitted demonstrating compliance with NZEB requirements through air source heat pumps, PV panels and associated measures.

A Drainage Report confirms that the proposal will not increase sewerage discharge rates and that adequate drainage is available via the existing connection.

Bat and bird surveys and associated management plans are to be secured by condition prior to commencement of development.

### **Representations by Objectors and Counter-representations**

Mr Blair addressed the Commission, raising concerns regarding access arrangements via the narrow Green Lane approach and seeking clarification on Technical Services approval of foul and surface water disposal. He also queried internal layout arrangements and potential subdivision and raised concerns regarding structural design assumptions.

Mrs Marilyn Lester addressed the Commission and raised the following concerns:

- That dwelling 9A/2 is omitted from drawings, giving a misleading impression of scale.
- That the proposal effectively increases the building from four storeys to five plus roof terrace adjacent to the Nature Reserve.
- Sewerage capacity concerns, referring to previous indications that public and private sewers were at full capacity.
- Structural assumptions, foundations and ground stability, and the need for geotechnical investigation due to steep terrain.
- Potential future subdivision into two units.
- Parking demand and possible retrospective applications.
- Potential removal of mature olive trees.
- Construction access via Green Lane, noise, duration, emergency access, CTMP and WMP, and potential damage and insurance matters.

No counter-representations were submitted.

### **Consultation Responses & Discussion**

#### DOE

- Awaiting final clearance of pre-EPC and Sustainability and Renewables Statement.
- Welcome PV panels.
- Bat and bird surveys required prior to works.
- Final landscaped terrace details required.

#### MfH

- No objection.
- Proposal modest in scale.
- Retains alignment with surrounding ridgeline.
- Compatible with Upper Town character.

#### TSD

- No objection.
- Note proximity of retaining walls and slopes.
- Have reviewed sewerage report and confirm no impact on public sewer connection.
- Assessment of private sewer capacity not within TSD remit.

#### GHT / LPS

- No comments received.

MEEC queried whether trees would be affected by the development. The applicant confirmed that no mature trees would be removed as part of the proposal.

The applicants addressed the Commission, referring to matters previously discussed at outline stage and highlighting that the current submission complies with the parameters approved in January 2025. They emphasised that drainage and renewables assessments had been prepared in response to outline conditions.

CK summarised consultee positions and clarified that issues relating to private drainage rights, structural matters and Building Regulations compliance fall outside the remit of Town Planning.

### **Planning Assessment & Recommendations**

The TPD advised that the full application closely follows the approved outline scheme. The design amendments are minor in nature and represent refinements to the aesthetic treatment of the extension and car port.

The proposal remains modest in scale and aligned with the surrounding ridgeline. It is considered compatible with the character of the Upper Town and does not introduce unacceptable visual impact, including in views from the Nature Reserve.

The Renewables Assessment demonstrates compliance with NZEB requirements, subject to final DOE clearance.

In respect of drainage, the Department had sought legal advice. Any dispute relating to use of a private sewer connection constitutes a private civil matter concerning property rights and is not a material planning consideration. TSD has confirmed that there will be no impact on the public sewer connection. Matters relating to private sewer capacity fall outside TSD's remit and must be resolved through private law mechanisms where necessary.

Concerns regarding structural safety, geotechnical investigations and Building Control compliance are regulated under separate statutory regimes and are not determinative under planning legislation.

Potential future subdivision is speculative. Any material change of use or subdivision would require a separate planning application.

Construction impacts, including access via Green Lane, will be managed through a Construction Traffic Management Plan and Waste Management Plan secured by condition prior to commencement. Bat and bird surveys and final landscaping details will also be secured by condition.

The Department is satisfied that the applicant has generally complied with the outline conditions and that remaining matters can appropriately be addressed prior to commencement.

Approval is recommended subject to conditions.

## Decision

Unanimously approved.

## Conditions for Final Approval

Approval subject to:

- DOE clearance of pre-EPC and Sustainability and Renewables Statement.
- Transposition and update of conditions attached to the Outline Permission.
- Submission of bat and bird surveys prior to commencement.
- Final landscaping details for roof terrace.
- Submission of Construction Traffic Management Plan and Waste Management Plan prior to commencement.
- Other standard conditions.

## Outcome

Full planning permission granted subject to above conditions.

## 8/26 – F/20085/25 – 2 Governor's Parade -- Proposed reconfiguration of external terrace area, including displacement of monument and new covered seating area.

### Background and Planning History

The application relates to the existing ground floor al fresco seating terrace serving the Eliot Hotel. The terrace currently comprises tables and chairs with shading umbrellas. While operated as a private terrace, it forms part of the wider public open space of Governor's Parade.

The Queen Victoria Memorial, a Listed Monument, is located at the north-western corner of the terrace. On the opposite side of Governor's Parade are several pergolas operating under licence arrangements with the Government of Gibraltar. These structures do not benefit from planning permission and may be relocated upon request.

In February 2024, the Commission refused an application for installation of a pergola with retractable glazing on the terrace on the basis that it would be visually intrusive, enclose part of the public square and diminish the setting of the Listed Monument.

A Government of Gibraltar application in 2014 for the Governor's Parade Masterplan included potential future relocation of the Queen Victoria Memorial to a more central position within the square.

### Public Participation

No representations were received.

### Proposal and Supporting Information

The current proposal seeks:

- Demolition and removal of the existing raised terrace paving and balustrades.

- Reduction in terrace size from 160.2m<sup>2</sup> to 137.1m<sup>2</sup>.
- Installation of a new bioclimatic pergola with movable louvres and sliding glass panels.
- Installation of perimeter block planters with integrated seating.
- Relocation of the Queen Victoria Memorial approximately 1.6m towards the pedestrian thoroughfare.
- Relocation of the public scooter bay.

Notice has been served on LPS.

### Consultation Responses & Discussion

#### DOE

- Final landscaping details required.
- Maintenance scheme for planters to be submitted.

#### MfH

- No significant heritage concerns.
- Revised scheme considered lighter in appearance than previously refused proposal.
- Structure not considered to overwhelm the square.
- Relocation of monument presents opportunity to enhance presentation and public engagement.
- Heritage Licence required for monument relocation.

#### MoT

- No objection.

#### GHT / LPS / TSD

- No comments received.

The Applicant's Agent, Jonas Stahl, presented the proposal to the Commission, outlining the changes made since the previous refusal and the rationale for the revised design.

CK presented the TPD's presentation, highlighting the reduction in terrace size, the lighter structural approach and the proposed relocation of the monument. The Department reiterated concerns regarding potential enclosure of public open space, particularly where the pergola extends beyond the existing terrace footprint.

LPS commented that land ownership details should not be determinative in planning matters. The Chairman clarified that reference to lease boundaries was intended only to establish the area under the applicant's control.

MEEC expressed support for the proposal.

JS explained the lease boundaries and the relevant demised areas, stating that the design had been prepared with these in mind.

GM, on behalf of JH (who had left the meeting), raised concerns regarding loss of open space, use of artificial or plastic vegetation and accessibility arrangements. JS confirmed that landscaping would be undertaken in accordance with approved details and that the proposal includes a ramp to ensure accessibility.

The Chairman commented that access and egress points should be clearly labelled on the proposed drawings.

CAM queried whether the monument would also be repaired as part of the relocation. JS confirmed that it would be repaired and properly reinstated. CAM stressed the need for an approved scheme that clearly defines and safeguards the remaining open public space.

The Chairman then called for a vote on the application as submitted.

### **Planning Assessment & Recommendations**

The TPD noted the revised approach compared to the previously refused scheme. The reduction in terrace size and introduction of a lighter bioclimatic pergola represent material changes. The relocation of the Queen Victoria Memorial is considered capable of enhancing its presentation and public engagement, subject to Heritage Licence.

Notwithstanding these improvements, the principal planning concern relates to the pergola extending beyond the footprint of the applicant's existing leased terrace and into public open space at Governor's Parade. Although the overall terrace area is reduced and the structure is visually lighter than the previously refused proposal, the encroachment into public land raises concerns regarding the erosion of open space and the potential precedent this may establish for further incremental enclosure of the square.

Whilst the setting of the Listed Monument is not considered to be adversely affected in heritage terms, subject to appropriate detailing and licensing, the TPD considers that the enclosed pergola would only be acceptable if confined strictly within the applicant's lease boundary. Members are therefore recommended to issue a Modification Order requiring revised plans omitting the north easterly projection so that the structure does not extend into public open space. Any subsequent permission should be subject to conditions relating to materials and finishes, the requirement for a Heritage Licence, final landscaping and maintenance details, accessibility provisions, and other standard planning conditions. Following some discussion where some members expressed support for the application as submitted the Chairman called for a vote on whether to approve the application as submitted.

### **Decision**

In favour: 9

Against: 0

Abstained: 1

Application approved **as submitted**.

### **Conditions for Final Approval**

Approval subject to conditions including:

- Approval of materials and finishes.
- Heritage Licence for relocation and repair of the Queen Victoria Memorial.
- Final landscaping details and maintenance scheme.
- Clear labelling of access, egress and disabled access arrangements on approved drawings.
- Other standard conditions.

#### **Outcome**

Planning permission granted subject to above conditions.

#### **Minor and Other Works– not within scope of delegated powers**

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

**9/26 – F/19385/24G West of the Cradle Of History Monument, off Winston Churchill Avenue -- Proposed new pumping station.**

CK clarified that the proposed development does not affect the listed Cradle of History Monument and the application was approved.

**10/26 – F/20020/25 – 12 Dexterous House -- Proposed extension and alterations.**

CK advised the Commission that the TPDs recommendation for this application was to request revised plans in order for the design of the northern elevation of the proposed extension to match the rest of the building, by being set back, and upon submission the revised proposals would be tabled at Subcommittee for ratification.

This application was approved in principle subject to the submission of revised plans.

**11/26 – D/20130/25G – Waterport Reverse Osmosis Seawater Intake Facility – Proposed demolition of existing facility.**

This application was approved.

**12/26 – A/20072/25 – 114 Main Street -- Retrospective application for the display of a mannequin outside shop front.**

***Referred by Subcommittee with recommendation for refusal as contrary to policy.***

This application was refused.

**13/26 – MA/20115/25 – Road To The Lines -- Proposed single storey extension and refurbishment of buildings.**

#### ***Consideration of proposed Minor Amendments:***

- ***the removal or the originally planned additional floor construction for buildings 3, 5, 7, 9 and 11-15 Road To The Lines;***

- *reducing the number of proposed apartments by 7 from 28 to 21;*
- *the removal of the pitched roof construction for buildings 3, 5, 7, 9 and 11-15 Road To The Lines; and*
- *amendments to plans to refurbish existing buildings and repair/refurbishment of existing roofs only with no additional construction.*

CAM acknowledged the removal of the additional floor and that this was best approach to refurbishing the buildings with minimal impact on them.

This application was approved.

**14/26 – MA/20116/25G – Gibraltar Parliament, 156 Main Street -- Proposed refurbishment of building, including installation of an internal passenger lift.**

#### **GoG Application**

##### **Consideration of proposed Minor Amendments:**

- *illustration of basement level, not previously captured in survey;*
- *relocation of internal lift, to be sited within the volume of the existing staircase to the north of the building;*
- *internal layout updates based on end user requirements; and*
- *details of proposed entrance lettering to the Main Street façade.*

CAM acknowledged the proposed amendment to relocate the position of the lift and that this was something which the Trust had called for since the inception of the project.

This application was approved.

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#### **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.

**15/26 – 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 request to Relax the Building Control Regulations.**

**16/26 – F/19651/25G – The Sunrise Hostel and DH Ceramics Store, 78 -- 82 Devils Tower Road -- Proposed refurbishment and extension of the building.**

#### **GoG Application**

##### **Consideration of colour scheme to discharge Condition 2 of Planning Permission No. 9384.**

**17/26 – F/19739/25 – 32 Shrine Walk, Europa Walks Estate -- Proposed refurbishment and extension.**

##### **Consideration of revised proposals to accommodate air-conditioning unit.**

**18/26 – F/19883/25 – Both Worlds, Sir Herbert Miles Road -- Proposed replacement of external walkway.**

19/26 – F/19941/25 – Flat 3, 11 George's Lane -- Proposed internal alterations, installation of a new external door to the terrace balcony and replacement balustrading.

20/26 – F/19955/25 – 1 Main Street -- Proposed change of use and conversion of vacant unit from Class A1 (retail) to Class A3 (takeaway and café) including external seating and associated furniture and re-provision of existing bicycle parking and other street furniture currently located on the site.

*Consideration of alternative location for re-provision of cycle parking following DPC consideration of application.*

21/26 – F/19996/25 – Fifth Floor Terrace, St Bernard's Hospital -- Proposed terrace improvements including the installation of glazed screens and retractable awnings.

22/26 – F/20000/25 – 12A Unit B, North Mole Road -- Proposed internal fit-out and installation of air conditioning and plant.

23/26 – F/20001/25 – 28 Admiral's Place Naval Hospital Road -- Proposed installation of Velux roof windows in accordance with outline approval for the development, internal alterations and replacement of external doors and windows with frames on a like-for-like basis.

24/26 – F/20004/25 – Flat 5, 6 South Barrack Ramp -- Proposed minor alterations and replacement of windows.

25/26 – F/20005/25 – Flat 7, 6 South Barrack Ramp -- Proposed minor alterations and replacement of windows and shutters.

26/26 – F/20006/25 – 4-8 Hospital Steps -- Retrospective application for minor alterations to the property and the painting of windows and shutters.

27/26 – F/20015/25 – 46 Cormorant Wharf Queensway -- Proposed installation of glass curtains.

28/26 – F/20018/25 – 11/9 Castle Street -- Proposed internal alterations and replacement windows.

29/26 – F/20034/25 – 213-214 Ocean Heights, Montagu Place -- Retrospective application for subdivision of existing apartment into 1 x studio flat and 1 x one-bedroom apartment.

30/26 – F/20037/25 – 58 New Harbours -- Proposed mezzanine deck and alterations to premises.

31/26 – F/20038/25 – Unit 48 Royal Ocean Plaza -- Proposed fit out of unit and installation of signage.

32/26 – F/20039/25 – 5/4 Jumpers Building, Witham's Road -- Proposed internal alterations, replacement/alterations to external windows and doors and installation of pergolas on west facing terrace.

33/26 – F/20043/25 – 8 British Lines Road -- Proposed installation of green roof.

34/26 – F/20044/25 – Fish Market Steps Bus Stop -- Proposed installation of green roof.

35/26 – F/20045/25 – 1205 Imperial Ocean Plaza -- Proposed installation of glass curtains.

36/26 – F/20050/25 – 303 Grand Ocean Plaza -- Proposed installation of glass curtains.

37/26 – F/20051/25 – 33 Gibraltar Heights -- Proposed internal works, installation of uPVC windows and air conditioning unit.

38/26 – F/20056/25 – 27 Bergen Court, Harbour Views -- Proposed internal refurbishment and replacement of windows.

39/26 – F/20059/25 – Unit 5.1B and 5.2 Waterport Place -- Proposed amalgamation of two office units into one.

40/26 – F/20063/25 – Unit 57 New Harbours -- Proposed installation of air conditioning units on the facade of the unit.

41/26 – F/20086/25 – Unit G24, Ground Floor, ICC -- Proposed change of use from retail (Class A1) to restaurant (Class A3) and refit of unit.

42/26 – F/20091/25 – 11 Cornwall's Parade and 5A Benzimra's Alley -- Proposed refurbishment of unit and installation of replacement signage.

43/26 – F/20094/25 – 18-20 Garrod Road -- Proposed change of use from workshop to gym and associated alterations.

44/26 – F/20111/25 – Carrara, Murano and Porcelana, Eurocity -- Proposed change of main entrance doors to buildings from swing opening doors to automatic sliding entrance doors.

45/26 – D/20069/25 – Both Worlds, Sir Herbert Miles Road -- Proposed demolition of existing walkway structure.

46/26 – A/20121/25 – Morrisons Petrol Station Barriers -- Proposed installation of banner to advertise 'Bonkers' event.

47/26 – MA/19061/24 – 9 Devils Tower Road, 5 Lady Williams Close -- Proposed construction of a 10 x storey hotel/ aparthotel.

***Consideration of proposed Minor Amendments:***

- ***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.***

48/26 – MA/19970/25 – House 18, The Island, Queensway -- Proposed construction of external staircase from basement to rear garden.

***Consideration of proposed Minor Amendments:***

- ***replacement of first floor rear bedroom patio doors and reposition outer archway as per neighbouring properties.***

49/26 – MA/20036/25 – 3-4 Straits View Terrace, Europa Point -- Proposed refurbishment and extension of the existing property.

**Consideration of proposed Minor Amendments:**

- *internal layout alterations to the kitchen, bathrooms, and bedrooms, with updated room uses and associated window adjustments;*
- *external changes comprising the replacement of the retractable awning with a pergola, revisions to the entrance porch and main door, updates to the landscape strategy, and the introduction of a bird-safe balustrade to the swimming pool;*
- *refined design of outbuilding with additional detailing, new windows, and roof modifications including shading on the south elevation which has been revised to a traditional style to match new pergola; and*
- *use of the existing part of the basement as an underground plant room.*

**50/26 - Any other business**

There was no other business. The Chairman thanked Members and reminded them that the next meeting was scheduled for 19 February 2026.

Chris Key

Secretary to the

Development and Planning Commission