

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 8th meeting of 2025 held remotely via video conferencing on 21st August 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)

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 Neale
(Minute Secretary)

Apologies:

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

Approval of Minutes

390/25 – Approval of Minutes of the 7th meeting of 2025 held on 31st July 2025.

The Minutes of the 7th meeting of 2025 held on 31st July 2025 were approved subject to minor amendments suggested by JH in respect of Item 312/25 and Item 314/25.

Matters Arising

391/25 – None

Major Developments

392/25 – F/19852/25G – Harding's Road, Europa Point -- Proposed construction of the College Of Further Education (Class D1).

Procedural note

CK confirmed that the architect would be presenting the scheme and Members will be given the opportunity to ask questions of the architect. One of the objectors who had requested to address the Commission would then be invited to address the Commission after which members would be able to ask any questions. The TPD will provide a summary of the other objection that has been submitted. The applicant's architect will then be given an opportunity to comment on the representations.

Applicants Presentation

Christian Revagliatte (CR) presented the scheme to Members. CR confirmed that the site is located in the South District, acting as a threshold between residential and institutional uses and offering potential as a civic anchor with educational and community focus. CR confirmed that the plot is about 1,000 sqm, a mostly square site formerly part of the St Christopher's School playground, is currently underused but with strong potential.

CR confirmed that the proposed Gibraltar College consists of two main volumes separated by a central hub/atrium that brings in natural light and serves as a flexible social and learning space before confirming that the building is 4.5 storeys in height, with ground and top floors set back to create a buffer with the street and soften its massing. CR advised Members that the contemporary design ties in with nearby student accommodation, the University, and Europa sports complex and that long architectural lines echo those of surrounding developments and that the roof areas will be softened with greenery, usable outdoor spaces, and solar panels to maximise sustainability.

CR also confirmed that there will be active ground floor frontage with reception, staff areas, and teaching spaces, the latter to include general classrooms, science labs, food technology, early years/pre-school training, and trades. A certified examination centre is integrated into the scheme, serving the College and Gibraltar-wide needs. CR confirmed that the top floor houses hospitality teaching with a fully fitted kitchen and restaurant, potentially open to the public and

shading devices including horizontal/vertical louvres control sunlight while maintaining daylight in classrooms.

CR confirmed that the College has been designed as a landmark educational hub integrated into the South District's urban fabric which will support new curriculum areas including hospitality, preschool teaching, well-being, beauty, and vocational subjects will provide extended learning opportunities (8am–10pm), supporting lifelong learning for those in employment and aims to diversify pathways to employment beyond A-Levels and university degrees and will be considered both as an educational and civic/community asset, reinforcing the South District's sports and education cluster.

JH raised a query about an aerial image showing shadows to the rear of the building, possibly affecting a garden, and asked if a sun/shadow study had been carried out. CR responded by confirming that part of the image was actual shadow, but another part was a hedge and explained that the image was from Google Earth and that shadows depend on the time of day before stating that the clearance between the building and houses at the rear is substantial, so impact of shadowing would not be significant.

JH also enquired about landscaping within the proposed development noting little space for trees around the building, apart from one remaining tree from the former site, and asked if it could be preserved.

CR confirmed that they had amended the scheme to shift the building eastwards to save the tree, which will be retained and explained that the footprint needed to be maximised for educational requirements, but the ground floor has been set back with planters to soften the streetscape.

JH also asked about a space to the left of the building currently used by the university and whether it could become green space. CR said that the area is outside the project boundary and that its future use depends on negotiations between Government and the University and is not part of the scheme.

CAM noted that there was archaeological interest in the area and asked whether sinking the building into the ground was considered, acknowledging bedrock and cost issues. CR confirmed that the option was considered but rejected due to the need for natural light, the applicant's refusal to have people working permanently below ground, cost, timing constraints, and the complexity of blasting shallow bedrock and confirmed that completing the project by 2027 is a priority, and placing facilities in basements would be unsuitable.

Public Participation

CK confirmed that the application was subject to public participation and that two sets of representations had been received from owners/ occupiers of nearby residential properties.

CK confirmed that one of the objectors, Steven Mumford (SM) had requested to address the Commission, and that this would be a good time to provide a summary of the other representations that had been received to Members and confirmed that copies of the representations had been circulated to Members before the meeting.

CK confirmed that the other representations had been submitted by J Haynes on behalf of 6 St Christopher Alley who had objected to the proposed development on the grounds that:

- the proposal breaches Gibraltar Development Plan 2009 policies on scale, massing, height, landscaping, amenity, and parking;
- that the five-storey structure overshadows nearby two-storey residences; that the site is too small for intended facilities and that there is a precedent risk from earlier university accommodation approval;
- that the proposed development provides minimal green space and includes the removal of two mature trees and habitat although CK noted that one of these trees is now being retained within the scheme;
- that the height and massing of the proposals would lead to sense of being overlooked despite translucent glass and there is a risk windows will be opened;
- that the proposed plant room facing residences could cause noise and that the sewage system capacity in the area is already inadequate;
- that there are lack of pavements on Hardings Road, that increased traffic raises accident risk and that no parking provision for the development will worsen the existing shortfall; and
- that the proposed development would harm protected views from Europa Road and would be inconsistent with past DPC decisions.

SM was then invited to address the Commission:

SM stated that the proposed five-storey building is on land already raised above nearby properties, Harding's Road, and the stadium, making it appear even taller. SM confirmed that if the site is not dug down to road level, this adds extra perceived height. SM considered that the development would dominate the area, being over twice the height of the Europa Stadium stands, and would impact light, views, and the wider landscape in a popular tourist spot. SM inferred that from Nuns' Well, the shrine may no longer be visible and questioned the need for the large number of classrooms and rooftop terrace, suggesting reconfiguration could reduce building height and noted that potential duplication of facilities with the university and suggested cost savings through shared use.

SM noted inconsistency between the architect's presentation and the planning documents, with the latter stating existing infrastructure was sufficient for buses and parking, which he argued was misleading. SM highlighted issues with the Number 2 bus: already overcrowded, busiest route in Gibraltar, ends service at 9pm despite college opening later and stated that parking near Nuns' Well and Europa Point Café is often full or closed for sports events, with illegal parking already a safety issue on Harding's Road and St Christopher's Alley and anticipated that these problems would worsen with additional students and staff.

SM recommended a dedicated college bus service (not relying on existing routes), provision for bike and scooter parking, as many students will use these for short commutes between schools as well as the reinstatement and reinforcement of parking restrictions and double yellow lines to prevent pavement abuse and unsafe conditions.

CR responded confirming that the Department of Education, together with the Ministry of Transport, is developing measures to manage traffic, going on to state that some existing bus

facilities will be converted into parking for the college during term time, with other nearby areas also allocated to staff and students and that a shuttle service will operate at peak times to bring students from town. CR also stated that given that the existing College at the South Bastion currently operates in a congested city centre without significant issues, fewer problems are expected at Europa Point, which has less residual traffic.

CR argued that the scale and context of the development align with nearby large buildings such as the University and student accommodation and whilst the Shrine's visibility is uncertain, the photomontages submitted in support of the application suggest any impact on views from Europa Road will be minimal compared to existing accommodation blocks.

CR advised that translucent glazing with high-level openable windows will be provided to the rear, with fixed translucent panels on the sides and the applicant is open for this to be conditioned in the Planning Permission.

CR also stated that one tree will be lost, but the others will be retained and stated that he considers that the height and massing respond to the site and surrounding context, stepping down from the accommodation block and that the design satisfies the educational brief while reflecting existing built form. He concluded by reiterating that the proposal is proportionate to its setting and requirements.

The Chairman invited questions from Members.

JH asked whether, as with other projects, trees removed from the site would be replaced with at least two new ones.

CR confirmed eight trees will be planted, as earmarked by the Department of Environment.

GM queried the proposed fourth-floor hospitality and restaurant facilities, recalling that the University's restaurant is being curtailed (converted to a multifunctional room) and suggested the University could instead use its upper floors for such functions, rather than constructing new facilities in this building.

CR responded that the question was more for the applicant and explained the new build is designed to meet the exact curriculum requirements, so it makes sense to include hospitality facilities, however, if another nearby site were refurbished for that purpose, it would be for the school team to decide.

Consultee Comments

CK summarized the comments received:

GFRS

- require a Fire Strategy to be submitted.

DOE:

- welcome the documentation submitted in support of the application including the Sustainability Statement, pre EPCs and Solar Panel Statement and satisfied project will achieve NZEB requirements;
- require as built EPC upon completion;

- require a detailed Landscaping Statement to be submitted for approval prior to landscaping works commencing.
- require details of bird collision deterrence measures to be submitted for approval.
- require bat and bird nesting sites to be integrated in development; and final locations to be agreed; and
- require the CSI to be consulted to determine refuse regulations.

GHT:

- consider that development at Europa Point should take the lower rise character of the area into account;
- note that the application site is considered one that can absorb development that is sensitive to this;
- consider that the College is a community facility that will fit into the sport leisure and education hub that Europa Point is turning into and as such we have no strong objections in that the maximum massing does appear to be less than the overpowering University accommodation block;
- note that there is a difference in level between Hardings Road and St Christophers Alley and enquire as to the possibility of sinking the building further (reliant on bedrock levels) so as to reduce the height impact more particularly on views of the Rock and to mitigate the low-rise character of the neighbourhood; and
- require an Archaeological Watching Brief (AWB) as there is a reasonable possibility that archaeological material and medieval structural remains may be unearthed during construction.

MfH:

- confirm that they have no objections to the proposals and require AWB for same reasons as GHT set out.

MOT/TC:

- consider that secure cycle parking facilities should be provided in the development to relieve pressure on existing parking in the area;
- welcome the proposed new footpath but require scaled plans to show the dimensioned footpath in context with Harding's Road and impact on it;
- consider that there is also scope to reconfigure Harding's Road in its entirety to provide new parking spaces for students and users alike;
- consider that additional parking would be useful to alleviate the pressure on the public parking stock at Nun's Well, Europa Point, especially when there are events taking place at the Europa Sports Complex which may result in reduced parking stock;
- confirm that the MOT has approached project management back in April 2025 and are still awaiting feedback on the above and confirm that this matter needs to be addressed prior to a Planning Permission being granted;
- confirm that consideration should also be given to install speed ramps on this road to ensure safety of users of the facility; and
- expect proposals to address these concerns to be submitted and tabled at Traffic Commission via the Town Planning process.

TSD:

- No objections subject to submission of sewerage assessment.

Planning Assessment & Recommendations

CK confirmed that the TPD emphasises that this is a sensitive and constrained site surrounded mainly by low-rise (two to three storey) buildings and the exception is the six-storey Europa Suites block, which TPD previously objected to in 2018 for being out of context and potentially setting a precedent. CK also confirmed that the Commission has also refused smaller roof additions on the houses in St Christopher's Alley to the rear of the application site due to their impact on views from Europa Road.

CK went on to confirm that the TPD acknowledges that the College is a valuable community facility, appropriate in this educational hub, and that the building must meet specific requirements within a constrained site. CK also noted that the TPD recognises the scheme's environmental credentials and does not object to the architectural design in isolation, however, the TPD considers the building's vertical emphasis results in excessive height, scale, and massing, making it visually dominant, out of context with surrounding low-rise buildings, and exacerbating the precedent of Europa Suites. CK confirmed that the TPD consider that photomontages and 3D models show it would dwarf nearby dwellings and harm vistas from Europa Road.

CK also stated that despite proposals for translucent glass the TPD is concerned that there are window units on the east and west elevations that are less than 2m from the boundary and would be contrary to the Regulations and this would also need to be resolved through installation of glass blockwork or glazed architectural features, or alternatively submitting written consent from the owners of the adjoining sites that they have no objections to the placement of the window units.

CK also informed the Commission that the TPD shares the MOT and TC's concerns about transport impacts, which need to be fully addressed.

CK confirmed that the TPD has given a lot of thought regarding potential changes that could be made to the development and raised its concerns with the applicant and the architect prior to tabling the application before the Commission.

CK confirmed that the TPD raised the idea of investigating the possibility of acquiring part of the adjacent site to the west to increase the developable footprint and provide a scheme that enables the distribution of the floorspace requirements for the College horizontally rather than vertically and would address concerns regarding the height scale and mass of the proposed building, and designing a scheme which assimilates and integrates with its surroundings rather than overpowering them

CK noted that if these options are not possible, that the site could, nevertheless, potentially accommodate a scheme which removes a full storey from the building and identified potential options to the applicant which could be investigated to achieve this and provide a scheme that would address some of the TPD's concerns.

CK stressed that although the TPD recognises the college as a valuable community facility, TPD cannot support the application in its current form and recommended that in the first instance the GoG investigates the possibility of acquiring part of the adjacent site to the west to increase the developable footprint and provide a scheme that enables the floorspace requirements for the College to be distributed horizontally rather than vertically, and addressing the TPD concerns regarding the height, massing and volume of the proposed development and designing a scheme which assimilates and integrates with its surroundings rather than overpowering them. If that is not a feasible recommendation, the TPD would recommend that Members resolve to issue a Modification Order requiring the following changes to be made to the scheme:

- reducing the height of the development by a full storey either through redistributing floorspace within the building or through excavating to provide a basement level;
- requiring the proposed windows units located on the eastern and western facades within 2m of the adjacent sites to be fitted with structural glass or architectural glazed features in order to comply with the Regulations and avoid any potential overlooking/amenity issues – alternatively the windows can remain in situ provided written consent is provided by the owners of the adjacent sites;
- requiring secure bicycle parking to be provided on site; and
- requiring revised proposals to address the concerns raised by the MOT regarding the impact of the footpath on Harding's Road, provision of additional parking and provision of speed bumps.

CK stressed that if the Commission is minded to reject the TPD recommendations and resolve to approve the application as submitted, any Planning Permission should be subject to the following conditions:

- Fire Strategy;
- details of structural glass or architectural glazed features for windows within east and western facades to be provided or agreement submitted from owners of adjoining properties prior to works commencing;
- details of bicycle parking to be submitted for approval;
- a Traffic Management Plan to be submitted to address the transport issues raised by the MOT and TC so that this matter is addressed prior to the commencement of the development;
- a Sewerage Assessment;
- an AWB;
- submission and approval of final external materials;
- Post completion EPC;
- integration of Bird and Bat Nesting – final details to be agreed;
- Landscape Strategy and Green Area Maintenance Plan;
- Timing of works to avoid the bird breeding season; and
- Bird collision glazing measures.

Discussion

The Chairman invited comments from Members.

JH confirmed her support for the Town Planner's recommendations, finding them to be sensible and raising all the right issues and hoped that the project can be improved from that standpoint.

MEEC confirmed that he had quite a lot to say as he knew a little about the project. MEEC commented that he had never heard a Town Planner so thoroughly attack a project, even when some have been quite horrendous, so well done for the energy spent in opposing the scheme.

MEEC did welcome the provision of the Departments massing models even though he did question their accuracy and would welcome this sort of in-house assessment which he had never seen before in any other development when Members look at other developments.

MEEC went on to praised SM's positive and constructive representations. MEEC advised that discussions were held, but the University's land is not available for use as they have their own plans. There will be collaboration, but the institutions have different aims and target groups and that division must not be fudged.

MEEC confirmed that the University does not want catering facilities and that the College's proposed hospitality training is important for Gibraltar given reliance on imported staff. MEEC went on to state that excavating into rock for basement classrooms would cause noise, delays of over a year, and would be impractical for teaching and confirmed that the building is 4.5 storeys, not five.

MEEC confirmed that whilst the University blocks were controversial, they exist and set the current context and set out that in his opinion the new College is more attractive and less impacting and that nearby taller buildings already obstruct views more than the College would.

MEEC said that in respect of transport matters, concerns are being addressed by the Ministry of Education, and the Ministry of Transport and timetables will be adjusted so students will not need to move between sites during the day, and Bus Route 2 is planned for expansion. MEEC confirmed that additional parking will be available by repurposing unused coach bays, serving the College during term and the public at other times.

MEEC went on to state that in respect of heritage there are no major concerns beyond a watching brief for archaeology and one tree loss, with replanting of eight or nine trees planned.

MEEC stressed that this is not a developer's scheme but a community project for education and that the DPC already accepted the need to relocate the College when approving the controversial Cross of Sacrifice site, which had greater issues. MEEC stated that the existing College site is outdated, unsuitable, in poor condition, has limited space, and no exam facilities and that delays or redesigns are not acceptable given the urgency.

MEEC confirmed that the new College will expand vocational courses, adult education, outreach, and special needs provision, including learning support facilities and it will provide alternative routes into employment and further study. MEEC confirmed that the design was developed with input from teachers and informed by visits to UK colleges, ensuring it matches modern requirements and that the site is the only feasible one in Gibraltar for this scale of project and will integrate with nearby sports facilities and the University.

MEEC confirmed that if not built, alternative uses for the site could include a hostel, luxury villas, or other private developments, none as beneficial as the College and that the project

completes the modernisation of Gibraltar's educational facilities. MEEC stated that the Commission should not let the opportunity slip for the sake of half a floor and urged Members to weigh the community, educational, and social benefits against height concerns.

CAM welcomed the comments, views, and planners' assessment. CAM said the main issue was the building height, noting they opposed the University accommodation as a precedent. CAM raised concern about the half floor blocking views from Europa Road and asked if it could be orientated or broken up to allow views through.

MEEC clarified it is half a floor, not a full one and suggested architects could consider dividing it with a gap to break up the massing.

CAM supported the idea of breaking up the massing, so it does not completely block views. CAM acknowledged the community and educational value but maintained concern that it compounds the University accommodation precedent.

MEEC re-stated that dividing the top floor with a gap could be considered and invited the architect to comment.

CR agreed they could look at relocating a staircase or creating a gap and stressed that the development should be viewed holistically, as there are already other large buildings in the area.

The Chairman asked CAM if the response answered her concerns.

CAM acknowledged it but said historical large buildings should not set the standard, as planning is now better than decades ago.

GM said he had been persuaded by the Minister's emphasis on social and educational value rather than physical concerns and suggested he could accept the project despite height concerns, as its wider merits outweigh them.

CV thanked the planners for the report, not seeing it as an attack. CV recognised the poor condition of the current College and the merits of the new site and said the real issue was height. CV confirmed that the project requires 4,000 sqm, and since horizontal expansion isn't possible, the only option is to build upwards and concluded that it is better to accept additional height than to have an inadequate facility.

MICS acknowledged the neighbours' concerns but stressed the importance of education. He supported the project, citing recent school investments and personal experience as a parent.

JH commended the planners for their thorough assessment, suggesting this approach should be used in all projects. JH acknowledged the conflict: height and heritage concerns versus strong educational need. JH went on to highlight the lack of landscaping, transport, visitor impact, and heritage as issues to be addressed, but recognised valid arguments on both sides.

The Chairman noted that there were no further comments and stated the recommendation was for a modification order and proposed that a vote be taken on the recommendation.

MEEC interrupted, arguing the first vote should be on the project as submitted. MEEC stated that reducing storeys is not practical educationally or operationally before suggesting that

modifications could be a later stage, but a vote should now be taken on the scheme as it stands, subject to conditions on privacy and with a condition to investigate the breaking up the top floor into two sections, as CAM had suggested.

It was agreed to take a vote first as per MEEC's suggestion.

Decision

A vote was taken:

In favour: 9

Against: 0

Abstentions: 2

The application was approved by majority subject to the conditions suggested by the TPD in its report, and the additional condition to break up the top floor into two sections.

Other Developments

393/25 – F/19323/24 – 17 South Walk, Europa Walks Estate -- Retrospective installation of window and proposed extension.

Application Introduction

Application for a first-floor extension over the existing ground floor pitched roof as well as retrospective consent for installation of a window on the east elevation and other internal alterations.

Background & Planning History

CK confirmed that the application was considered at a DPC meeting held on 14 November 2024 where Members resolved for a Modification Order to be issued to the applicant to submit revised plans omitting the first-floor extension.

CK advised that the previous decision was made in line with the decision Members had made at the time for a proposed first floor extension at 16 South Walk, and that since then the Commission has approved a first floor extension at 16 South Walk with a setback of 600mm and the inclusion of an inverted pitch at ground floor at the DPC meeting held on 29 May 2025.

CK confirmed that following that decision the TPD has been liaising with the applicant regarding the Modification Order on this application and has reviewed the scheme in light of the other decision and subsequently recommended to the applicant that the TPD could support a revised proposal for a first-floor extension with a setback of 300mm and inclusion of an inverted pitch at ground floor.

CK confirmed that the TPD recommendation followed a further site visit and is on the basis of the position of the dwelling within South Walk and its relationship with other properties and the potential cumulative impacts that could possibly occur in the cul-de-sac and that the applicant had subsequently submitted revised plans in line with the TPD recommendation.

Consultee Comments

TSD – no objections.

Planning Assessment & Recommendations

CK confirmed that the TPD are satisfied with the revision and that the TPDs previous concerns regarding perceived narrowing have been addressed and recommend that the revised plans are approved by the Commission subject to standard conditions.

Decision

The Commission unanimously approved the application.

394/25 – F/19631/25 – 22 Main Street -- Proposed conversion of first floor offices, installation of a new passenger lift and a three storey extension to the building

Application Introduction

Full planning permission for the conversion of the first floor from offices to residential use, together with the erection of a three-storey vertical extension and the installation of a new passenger lift as well as retaining and modestly extending the ground-floor commercial unit, retaining and restoring the Main Street façade of the building and providing a communal rooftop terrace and pool are also proposed.

Background & Planning History

The property sits within the Old Town, adjoining Cooperage Lane, in an area characterised by narrow streets and a compact urban grain. The existing structure is two storeys, with commercial at ground floor and offices above. Surrounding properties are generally three to six storeys in height, and the existing façade of 22 Main Street contributes to the character of the Main Street frontage.

The site has a long planning history including permissions in 1999 and 2000 for alterations and change of use and in 2017, full planning permission was granted for a five-storey commercial development with a rooftop amenity space. Simon Garesse (SG) confirmed that this is an extant consent and works have commenced on site under this FPP.

The current application comprises a similar scope of works in respect of the height, massing and scale of the proposals but seeks a change of use to residential.

Public Participation

The application was subject to Public Participation and notice of application served on adjoining properties. SG confirmed that one set of representations and a further set of representation following revised plans was received from Seydor Estates Ltd, owners of 1–15 Cooperage Lane. SG confirmed that copies of the representations and counter representations had been circulated to Members.

SG provided a summary of the representations that had been received objecting to the application:

- loss of natural daylight to windows that have served their property for over 50 years;
- loss of privacy and increased overlooking;
- overshadowing of existing accommodation;
- lack of clarity regarding the rear elevation and potential intrusive openings;
- affected bedroom air vent, leading to ventilation concerns;
- overall reduction in living conditions and greater reliance on artificial light; and
- proposed multi-wall appears in direct alignment with windows on our property and Regulation 10 of the Development Control requires a minimum horizontal distance of 2m between any new wall and existing window.

SG provided a summary of the applicant's counter representations confirming that the applicant considers:

- the revised design improves the approved scheme (one staircase instead of two with the lift shaft moved away from west façade);
- there is no change to approved massing, footprint or building volume and that only the use of the upper floors has changed;
- that passageway clutter including air conditioning units will be removed by agreement, improving light and ventilation;
- that all new plant will be located on the east side away from the neighbouring property;
- that no new openings on the western elevation, so no overlooking or privacy impact; and
- that the vent issue can be resolved by mechanical ventilation.

SG confirmed that following the receipt of the representations the applicant met with Building Control and provided revised drawings which were reviewed under the Gibraltar Building Regulations 2017, Part K, and that Building Control had subsequently confirmed in writing full compliance with the Building Regulations in respect of ventilation and building separation:

- K5(2)(a)(b) – Ventilation openings to internal courts meet spatial standards;
- K3(3) – Adequate open space is maintained for habitable room windows; and
- K1(3) – Courtyard openings exceed minimum clearance and separation requirements.

Consultee Comments

- DOE:
 - supports the installation of PV panels, green roofs and the NZEB rating of development and requires the final nesting sites for bats and birds to be agreed;
- MoT:
 - Confirm that they have no objections to the proposals and welcome the secure cycle parking facilities proposed and consider secure cycle storage should also be provided for employees of commercial unit;
- TSD:
 - Confirm that they have no objections but require a sewerage capacity assessment to be submitted for clearance;
- MfH:
 - Confirm that they have no objections and consider that the design and proposed alterations are generally sympathetic to existing building and streetscape and require an AWB during groundworks; and

- GHT:
 - Confirm that they have no objections, consider that the scheme has been sympathetically designed to retain character of existing building subject to traditional materials.

Planning Assessment & Recommendations

SG confirmed that the TPD consider that overall, the scheme is policy compliant, subject to amenity considerations and that the scheme is considered to represent a positive intensification of an underutilised Old Town site. SG went on to state that the massing follows the precedent of the 2017 approval, that the façade is retained and restored in accordance with heritage guidance, that the upper levels have been recessed to reduce bulk, and that neighbour amenity has been addressed through window removals, setbacks, and privacy measures.

SG also confirmed that the TPD consider that the proposal introduces strong sustainability features, including solar panels, NZEB standards, a green roof, and biodiversity enhancements, however the TPD recommend that the required lightwell adjacent to apartment 1 will need to have the access door removed and frosted window given the adjacent windows on the same level and that outstanding matters include detailed materials, rooftop pool privacy, sewerage, refuse management, and cycle storage will be dealt with via planning conditions

SG confirmed that the TPD recommendation is to approve the application subject to the verification of the windows on the southern elevation not causing a privacy issue to the neighbouring property, and the submission of revised plans showing the removal of the access door on apartment 1 as well as frosted glass windows installed to be ratified at Subcommittee prior to a Planning Permission being issued which would include the following planning conditions:

- approval of materials;
- NZEB compliance and as-built EPC;
- privacy screening for the rooftop pool;
- provision of bird and bat nesting boxes and green/brown roof maintenance plan;
- An AWB;
- Sewerage capacity assessment;
- mechanical ventilation for all fixed and frosted windows
- provision of secure cycle storage;
- restrictions on works during bird and bat breeding season.

Decision

The Commission unanimously approved the application.

395/25 – F/19822/25 – Flat A, Aston House, 11/13 Cumberland Road -- Retrospective application to remove glass blockwork from opening that faces a lightwell area and install a hinged window.

Background

Retrospective application relating to a two-bedroom flat in Aston House on Cumberland Road. Application specifically relates to the rear bedroom of a flat that faces a lightwell which provides limited natural light and ventilation to internal rooms of surrounding properties that abut it.

Planning permission had previously been granted by the Commission to redevelop the building into seven x apartments and stores and the approved plans included glass blocks facing internal lightwell to address amenity concerns of neighbouring properties.

Application Details

Retrospective application for the removal of the glass blocks and for the installation of an inward opening clear window to the rear bedroom to improve ventilation and light following tenant complaints and health concerns. The applicant has offered to install a privacy film or window restrictors to address any amenity concerns.

Public Participation

Notice of the application was served on Management Company. Two sets of representations received from residents who live on the opposite side of the shared lightwell.

CK provided a summary of the representations to Members which confirmed that:

- the previous application was approved on basis that glass bricks for windows facing into lightwell to ensure privacy and reduce noise pollution;
- noted that the openable clear glass windows were installed without consent during construction;
- confirmed that following complaints to the TPD builders were ordered to revert back to approved plans and install glass bricks;
- confirmed that the current owner removed bricks retrospectively and windows exposed and openable and overlook property and have caused serious safety and privacy concerns; and
- requested the Commission to refuse the application.

The Chairman invited Anthony Bostock (AB), the applicant, to address the Commission.

AB acknowledged residents' concerns about privacy and noise and explained the window change was made to improve natural ventilation and airflow for the ground floor of Aston House, which previously had poor conditions. AB said the aim was to improve living standards while preserving neighbour privacy and clarified the window can be obscured with film and the opening positioned to minimise direct views. AB noted that the windows cannot open outward to intrude on neighbours, and further limits on opening or privacy film could be added if required.

AB stated he was unaware of any enforcement order requiring removal/sealing of windows, and that the retrospective application was submitted to regularise matters. AB emphasised that the stairwell/lightwell is not a private courtyard or habitable space, but a shared source of light and suggested planning should balance the interests of both parties, with the current installation maintaining separation and using glazing to mitigate impacts and that the application proposed a compromise allowing both ventilation and privacy. AB concluded by asking that the application be approved given its minor scale, modern living needs, and steps taken to reduce

impacts and said his understanding was that Aston House and Cumberland Steps adjoin each other and the lightwell is a shared space formed historically. He and believed it was a division in the building rather than the property of either side, though admitted he could not give a technical legal position on this matter when asked by the Chairman.

Consultee Comments

- DOE / TSD:
 - No objections

Planning Assessment & Recommendations

CK confirmed that the TPD objects to the proposal confirming that the previous application was approved on the basis of glass blocks being installed in rear openings to the lightwell at all levels to address amenity concerns and that the actions undertaken by the applicant have contravened previous consent. CK confirmed that the TPD are disappointed that the applicant had removed glass blocks without consent. TPD does not support the proposals which are contrary to an approved scheme and causes an unnecessary amenity issue to neighbouring residential property due to the proximity of the window to a neighbouring window and do not consider that a window restrictor would address amenity concerns to a flat which was supposed to be mechanically ventilated as per the approved drawings which were permitted at the time.

CK confirmed that the TPD's recommendation is to refuse the application and require the applicant to reinstate the glass blocks within two months on receipt of the Refusal Notice and if the glass blocks are not reinstated within two months, the TPD would start enforcement proceedings against the applicant.

AB said blocking the window makes the room uninhabitable, causing health issues for tenants and stated that this was an impossible situation.

The Chairman Insisted mechanical ventilation would be required under the Building Regulations as per the approved scheme.

AB explained that he bought the property from a developer who had not installed the ventilation properly, leaving tenants with the poor living conditions.

The Chairman reiterated that the approved plans required mechanical ventilation, and failure to install it was likely a breach of approved plans. The Chairman confirmed the recommendation remained to refuse the retrospective application and for the applicant to reinstate the glass blocks.

CV observed that it seemed more a building control/ventilation issue than planning. CV commented the building looked old and may have originally had openable windows that were blocked up. Suggested openable windows make more sense for ventilation than mechanical systems.

The Chairman clarified that the approved drawing shows the opening was newly created with glass blocks to convert the space into a bedroom and again reconfirmed that mechanical ventilation should have been provided.

Decision

A vote was taken on whether to refuse the application in line with the TPD's recommendations.

In favour: 5

Against: 5

Abstentions: 1

As there was an equality of votes the Chairman used his casting vote to refuse the application.

The application was refused.

396/25 – A/19823/25 – Unit G1 Waterport Place – Proposed installation of signage and sandwich board to advertise business.

Background

Lampposts and planters located on public highway on North Mole Road by roundabout in close proximity to Cafe Nostro at Waterport Place.

Proposal

Advertisement application to install signage in three potential locations to advertise Cafetto Nostro. The cafe currently has a sandwich board located in its Tables and Chairs area at podium level located amongst planters. Applicant seeking to install directional signage (50 x 40cm in size) on one planter and one of two lampposts on North Mole Road.

Esti Menoyo (EM) addressed the Commission setting out the rationale behind the proposals and that she would like to install additional signage to advertise the café to passers-by who are unaware a café exists because it is located 13 steps above ground level EM confirmed that she had received communication that her proposals are not considered to be acceptable and stated that she did not consider that the placing of signage on lampposts would set a precedent as there are many lampposts in Gibraltar which display signage for businesses and that no alternatives or compromises had been provided to help find a solution and support her local business. EM asked the Commission to reconsider the decision or at least provide a clearer explanation so she could respond and reiterated her willingness to work with the TPD to reach a solution that meets both city standards and business needs.

Consultee Comments

- MOT/TC:
 - object to signage proposals on the basis that they would clutter public highway and set a precedent for other establishments wanting to do the same.
- DOE / TSD:
 - No objections

Planning Assessment & Recommendations

CK advised that whilst the proposed signage is modest in size, the TPD has concerns regarding the proposed signage and agrees with the MoT and the Traffic Commission that the proposed

signage on lampposts or public planters in this location would be unsympathetic to the area generally and would cause cluttering of the public highway to the detriment of pedestrians and potentially motorists.

CK went on to confirm that the TPD is also concerned that if the application is approved it would set a precedent which would lead to further applications for this type of signage and would lead to the incremental and proliferation of this type of signage in Gibraltar which would compound the problem and lead to an untidy and cluttered streetscapes.

CK advised that the TPD consider that the application is contrary to the aims of Policy GDS19 which controls the placement of advertisements and considers that the application should be refused and that signage should be restricted to the unit and the Tables and Chairs area and that the applicant may want to reconfigure this to give more visibility to the existing sandwich board so that it is more effective in attracting customers.

Discussion

CAM agreed with the recommendations but suggested looking at how signage has been provided at Atlantic Suites for Costa Coffee. CAM stated that at Atlantic Suites signage has been placed on the building façade at the bottom of the steps, which could work if the landlord agreed and suggested blank facades in the area might be suitable, rather than anything on the public highway.

JH said she had the same thought as CAM as signage could also attract people coming from cruise ships. Suggested if external walls cannot have permanent signs, maybe a removable, landlord-approved suspended sign could work and enquired whether a wall by the applicant's unit could be used for signage, subject to landlord's consent.

GM suggested the applicant could consider utilising low-level etched glass signage on a planter, similar to what has been done by operators at the bottom of Eurotowers and that this could also help delineate the tables and chairs area.

MEEC agreed lamppost signage and signage installed on planters on the street would be problematic but supported GM's idea of utilising the planters within the Tables and Chairs area which would be less obtrusive and proposed deferring the application to allow the applicant to explore alternatives, rather than issuing a straight refusal.

The Chairman confirmed that the TPD would explore alternatives with applicant and suggested that if something acceptable is proposed that this could be considered at Subcommittee. Members confirmed that they were amenable to this proposal.

Decision

The application was deferred to allow for the TPD and the applicant to explore alternative solutions for signage to advertise the café.

Minor and Other Works– not within scope of delegated powers

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

397/25 – F/19669/25 – 11B Palace Gully -- Proposed refurbishment and single storey extension of a vacant residential building.

This application was approved.

398/25 – MA/19837/25G – 1 Landport -- Proposed reconditioning of existing building to function as tourist info centre including placemaking - Area 4 of Northern Defense Project.

Consideration of proposed Minor Amendments including:

- *inclusion of lift and stairs from Landport to King's Place of Arms.*

This application was approved.

399/25 – MA/19850/25G – Northern Defences -- Proposed enhancements to all external areas and creation of a new visitor experience attraction to tunnels - Areas 1, 2 and 3 of Northern Defences Masterplan.

Consideration of proposed Minor Amendments including:

- *inclusion of new access stairs from Crutchett's Ramp directly to Puerta de Granada.*

This application was deferred at the request of the applicant and MEEC confirmed that the deferral is in order for the applicant to have another look at the proposals and see whether it is necessary or whether it can be done in a less impactful way.

400/25 – MA/19870/25 – 7 Europa Road -- Proposed demolition of derelict casino and bund wall to provide a new apartment block of 111 high quality residences with multi storey car park and amenities.

Consideration of proposed Minor Amendments including:

- *re-instatement and slight increase in total units to 115 units due to structural design development and private stores reconfiguration;*
- *re-location of substation on the north side of the site within the site boundary; and*
- *other minor adjustments due to design development.*

This application was approved.

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.

401/25 – O/18703/23 – 118-122 Main Street -- Proposed construction of a three-storey residential extension above the existing property.

Consideration of request to renew Outline Planning Permission No. 8944.

402/25 – F/18779/23 – 115 Main Street -- Proposed refurbishment of existing shop premises, including new signage and shop-front.

Consideration of cladding sample to discharge Condition 2 of Planning Permission No. 8933

Ratification of revised proposals for façade signage and details.

403/25 – F/19003/23 – 33 Ocean Village Promenade -- Proposed internal refurbishment, replacement of awnings and replacement of signage.

Consideration of revised plans.

404/25 – F/19235/24 – 19 Horse Barrack Lane -- Proposed change of use from public highway to placing tables and chairs.

405/25 – F/19236/24 – 17 Horse Barrack Lane -- Proposed change of use from public highway to placing tables and chairs.

406/25 – F/19473/24 – 10 East Walks, The Walks -- Proposed extension to property and patio and minor alterations.

Consideration of revised plans to comply with Modification Order.

407/25 – F/19608/25 – 3A Gowlands Ramp -- Proposed unification of existing residential flat and dwelling into a single unit with an upper extension, additional top floor and partial roof terrace.

408/25 – F/19622/25 – 20 Line Wall Road -- Proposed extension of property to include new office space, terrace and lift.

409/25 – F/19663/25 – 11 Cooperage Lane -- Proposed change of use with internal alterations from takeaway (Class A3) to shop (Class A1) selling cold foods and pre-prepared meals and installation of proposed signage.

410/25 – F/19664/25 – Unit G03 Eurocity, Europort Avenue -- Proposed fit-out of unit to be used as a barber's.

411/25 – F/19674/25 – Unit 3, Cotchfoe House, 15 Shackleton Road -- Proposed subdivision of unit into four individual stores.

412/25 – F/19686/25 – Ground Floor, Cloister Building, Market Lane -- Proposed alterations to the ground floor entrance and windows.

413/25 – F/19693/25 – Unit 21A Ocean Village Promenade -- Proposed refurbishment and interior fit-out of existing bar and restaurant premises.

Consideration of decking to Discharge Condition 2 of Planning Permission No. 9323.

414/25 – F/19737/25 – 140A Main Street -- Proposed refurbishment of unit including replacement fascia and projecting signage.

415/25 – F/19788/25 – 20 East Walk, The Walks -- Proposed extension, minor alterations and refurbishment of property.

416/25 – F/19801/25 – Car Parking Spaces 24 and 25, Town House 6, The Anchorage -- Proposed installation of car port.

417/25 – F/19802/25 – Danza Academy, Prince Edward's Road -- Retrospective application for the installation of a HVAC system.

418/25 – F/19812/25 – 9/1 Carreras Passage -- Decontrol works, proposed internal alterations and change of windows.

419/25 – F/19828/25 – 37 and 65 Ragged Staff Wharf -- Proposed subdivision of one x 6 bedroom flat into two x 3 bedroom flats, associated internal alterations and replacement of air conditioning units on balconies.

420/25 – F/19841/25 – 1704 Opal, Ocean Spa Plaza -- Proposed installation of glass curtains.

421/25 – F/19842/25 – 701 Majestic Ocean Plaza -- Proposed installation of glass curtains.

422/25 – F/19843/25 – 22 Europa Road -- Proposed replacement of existing wooden pergola of car parking spaces with a metal/uPVC pergola.

423/25 – F/19854/25 – Flat 3, 31 New Passage -- Proposed minor alterations to apartment premises.

424/25 – F/19855/25 – 808 Seashell House, Beach View Terraces -- Retrospective application for the installation of glass curtains.

425/25 – F/19857/25 – 1003 Serene Views, Grand Ocean Plaza -- Proposed installation of glass curtains.

426/25 – F/19858/25 – 18/7 Hospital Ramp -- Proposed installation of an air conditioning unit.

427/25 – F/19859/25 – Town House 6, The Anchorage, Rosia Road -- Proposed installation of window.

428/25 – F/19867/25 – 516 Neptune House, Marina Bay -- Retrospective application for internal layout changes, enclosure of terrace and replacement windows.

429/25 – F/19872/25 – 7/3 Jumpers Building, Witham's Road -- Proposed installation of pergola in terrace.

430/25 – F/19873/25 – 6/1 Jumpers Building, Witham's Road -- Proposed installation of pergola in terrace.

431/25 – F/19894/25 – 28 Buttercup House, Waterport Terraces -- Retrospective application for the installation of a window in the inner light well.

432/25 – F/19899/25 – 5 Sea Lavender House, Waterport Terraces -- Retrospective application for the removal of the original balcony doors and replacement with double glazing sliding doors fitted a sliding aluminum window at utility room.

433/25 – F/19907/20 – 12 East Walk, Europa Walks Estate -- Proposed internal and external alterations including extension.

434/25 – A/19826/25G – Lampposts in the John Mackintosh Square -- Proposed installation of banners to advertise the 10th anniversary of the Mario Finlayson National Art Gallery.

GoG Application

435/25 – A/19871/25 – Alameda Botanic Gardens, Red Sands Road -- Proposed directional signs

436/25 – A/19893/25 – 20 Cornwall's Lane -- Proposed installation of fascia signage.

437/25 – MA/19558/25 – 3A Gowland's Ramp -- Proposed relocation and extension of entrance hallway to provide for new family bathroom within residential property.

Consideration of proposed Minor Amendments including:

- *relocation and extension of entrance hallway to provide family bathroom within the property.*

438/25 – MA/19687/25 – 8-10 Bishop Rapallo's Ramp -- Proposed refurbishment of a four storey mixed use building, comprising commercial use (Class A1-shops, Class A2-financial and professional services and Class A3-food and drinks) on the lower two floors and residential above together with the construction of a two x storey extension for additional residential accommodation and rooftop access.

Consideration of proposed Minor Amendments including:

- *change of use of second floor of building to financial and professional services (Class A2) and*
- *other minor layout revisions to the residential floors and rooftop access.*

439/25 – MA/19869/25G – 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

Consideration of proposed Minor Amendments including:

- *addition of clothing line baskets to all apartments.*

440/25 – Any other business

There was no other business.

The Chairman confirmed that the date of the next meeting would be 4 September 2025.

Chris Key

Secretary to the

Development and Planning Commission