

THE DEVELOPMENT AND PLANNING COMMISSION

MINUTES

Minutes for the 12th meeting of 2025 held remotely via video conferencing on 11th December 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 R Laposi (RL)
(Minute Secretary and Town Planning Assistant)

Apologies:

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

Approval of Minutes

508/25 – Approval of Minutes of the 11th meeting of 2025 held on 13th November 2025.

The minutes of the 11th meeting of 2025 held on 13th November 2025 were approved.

Matters Arising

509/25 – None

Major Developments

510/25 – O/19888/25 – 87 Queensway -- Proposed demolition of an existing warehouse and construction of a new warehouse incorporating office and car parking facilities.

Site and Surroundings

A single storey industrial warehouse that forms part of a transitioning industrial area on the western side of Queensway. It is bounded by a mixture of commercial premises and older industrial buildings and lies directly adjacent to a segment of the listed siege walls.

Proposed Development

Outline planning application for the demolition of the existing warehouse and the construction of a new warehouse, including internal office space and dedicated car parking facilities. It is understood that AMCO are to occupy the building and are to relocate from their current premises which form part of the Eastside development site.

CK advised that following discussions with the TPD, GHT and MfH upon submission of the application, the applicant had submitted revised plans:

- reducing the height of the building below the profile of the adjacent Siege Wall, protecting the strategic vista from Rosia Road
- increased set back by 2.3 metres from the Queensway frontage to improve streetscape interface;
- a minimum 6.5metre separation is maintained from the adjacent historic siege wall;
- improved massing, circulation, façade articulation and yard organisation.

The application had been subject to Public Participation, and no representations had been received.

Consultee Comments

DOE

- Predictive EPC and Sustainability and Renewables Assessment to be submitted in support of the full application;
- detailed landscaping statement to be submitted in support of the full application; and

- CSI to be consulted on refuse requirements.

GFRS

- Fire Strategy to be submitted in support of full application.

GHT and MfH

- acknowledge work that has gone into adapting the scheme to address heritage concerns;
- revised scheme respects the proximity to the listed defence walls;
- will require an AWB;
- note that if any works affect the listed walls a Heritage Licence would be required; and
- require a Method Statement to be submitted in support of the full application to cover protection measures for the Listed wall during construction.

DLA

- note that the site sits within the Vulnerable Building Distance Arc and that the applicant will need to liaise with the DLA and submit necessary assessments to confirm that the structure is not vulnerable in support of the full application.

MoT/TC

- no objections subject to sight lines and turning circles for all accesses being submitted in support of full application alongside a Road Safety Audit.

TSD

- Require a sewerage assessment; and
- Details of means of access to be submitted in support of full application.

Planning Assessment & Recommendations

CK noted that the applicant had made meaningful revisions and the project had evolved significantly in response to early feedback from the TPD, GHT and MfH. He welcomed the proactive dialogue with the applicant's design team that had taken place through the application process to date to ensure heritage and access concerns had been addressed and that the proposal did not impinge on key strategic vistas from Rosia Road.

CK acknowledged a policy tension between facilitating modern industrial redevelopment and preserving the character and setting of adjacent heritage features. The TPD considered that the balance had been appropriately struck, given the revised scale, separation, and heritage engagement.

CK noted that whilst the principle of a PV panel installation is acceptable, this must remain below the Siege Wall and ensure that no visual impact is accrued as part of any installation, and this must be shown in the full planning application.

Overall, the TPD consider the proposal to be acceptable in outline form and in accordance with planning policy, subject to conditions and resolution of technical and design elements at the full planning stage.

Recommended Conditions:

- Requiring PV Panels to sit below the height of the Siege Wall;
- A detailed landscaping strategy including Green Roof Maintenance Plan;
- Heritage Method Statement;
- An AWB;
- Sight lines, turning circles and Road Safety Audit;
- Documentation to confirm the building is not vulnerable;
- Sustainability and Renewables Statement and predictive EPC;
- PV Panel Maintenance Scheme;
- CEMP;
- Traffic Management Plan;
- Sewerage Capacity Assessment; and
- Other Standard Conditions.

Discussion

MEEC welcomed the application and noted the significant improvements made to the proposal through engagement with the relevant consultees. He praised the decision to reduce the height of the structure and to reposition the building further away from the listed siege walls, which he considered essential in reducing the visual and physical impact on the protected heritage setting. MEEC also acknowledged the applicant's intent to integrate photovoltaic panels, describing this as an important step toward sustainable design.

In addition, MEEC recommended that the design at full planning stage incorporate swift nest boxes in accordance with biodiversity policy, noting that the Queensway corridor had been identified as a potential route for expanding Gibraltar's urban biodiversity efforts. He stated that DPC should continue encouraging developers to include such features, even in industrial applications.

CAM confirmed that the GHT had been consulted from an early stage and that the applicant had responded positively to their concerns. She referred specifically to the improved 2.3m setback from Queensway and the minimum clearance from the siege wall, which the Trust viewed as important safeguards for the site's historic character.

CAM also reiterated the Trust's position that an archaeological watching brief be attached as a condition to ensure that any underground disturbance is appropriately monitored during construction, given the historical context of the site. She concluded by stating that the Trust was satisfied with the outline submission as revised.

Decision

The Commission unanimously approved the application, in line with the Town Planning Department's recommendation and subject to the recommended conditions in the planning assessment.

Other Developments

511/25 – BA13407 – Buena Vista Barracks -- Proposed communal swimming pool.

CK reported to the Commission on the outcome of the appeal relating to the proposed communal swimming pool at Buena Vista Barracks, which had previously been refused by the Development and Planning Commission and subsequently appealed to the Development Appeal Tribunal (DAT).

CK explained that the DAT had now issued its written judgment and had allowed the appeal, thereby overturning the Commission's original decision. He stated that the Tribunal had taken a different view on the planning balance, placing greater weight on the overall acceptability of the scheme within the applicable planning framework.

CK confirmed that in accordance with the DAT decision, the TPD would proceed with issuing an Outline Planning Permission with the following conditions to be imposed as requested by DAT:

- a full set of scaled architectural drawings including elevations and sections;
- an ecological survey;
- a Geotechnical Report;
- an Archaeological Desk Based Assessment;
- a Landscaping Strategy and Maintenance Plan;
- a CEMP; and
- the reinstatement of the public footpath from the site to Parson's Lodge.

He confirmed that the DAT's decision is binding, and the TPD is required to note and comply with the outcome. The approval relates to the outline application, with details to be submitted and considered at full planning stage.

MICS declared a personal interest in the development, however, he noted, for the record, that the Tribunal had approved a revised version of the proposal. This version clarified:

- Cliff stabilisation works;
- reduced footprint, and
- The overall design had been further developed before being submitted to the DAT.

MEEC noted that the details would need to be fully considered at the full application stage. He added that the area is in the Nature Reserve and nature licence would be required and as part of the Devil's Tooth national trail designated by law, the public right of way must be maintained and suggested that any rock stabilisation works to footpaths should take that into account.

JH highlighted that the Commission has not been able to see the "revised scheme" and therefore it may not understand properly what the DAT decision was and what was exactly permitted by the DAT. She added that clarification on conditions to the outline planning permission is needed prior to issuing permission.

CAM (Claire Montado) commented on the implications of the appeal outcome and underlined the importance of clear documentation, particularly where proposals interface with environmental or heritage constraints. She noted that further review would be required at full planning stage.

Chairman thanked CK for reporting the matter and noted that the Commission had now been formally informed of the outcome of the statutory appeal process. An Outline Planning permission would be issued.

512/25 – F/17209/20 – 9 and 21B Casemates Square -- Proposed rooftop extension and installation of lift.

CK reported to the Commission on the outcome of an appeal lodged with the DAT concerning a planning application for the construction of a rooftop extension and the installation of a lift at 9 and 21B Casemates Square.

He reminded members that the original application had been refused by the Commission on the basis of concerns regarding the visual impact of the proposed rooftop development, especially in such a sensitive and high-profile location within the Casemates heritage setting. At the time, Members had considered the scale, massing and prominence of the proposal to be incompatible with the character of the area.

CK confirmed that following the refusal, the applicant had submitted an appeal to the DAT. The Tribunal has now issued its decision and has dismissed the appeal, thereby upholding the Commission's original refusal.

He explained that the Tribunal had agreed with the Commission's assessment that the proposed rooftop structure would have had a detrimental visual effect on the immediate and wider townscape, particularly given the highly visible nature of the building's roofline within Casemates Square. The DAT further found that the intervention was not sufficiently justified in planning terms to outweigh the identified harm to the character and setting of the area.

CK stated that the DAT's decision serves to reaffirm the Commission's approach to conserving sensitive heritage locations and demonstrates that the reasons for refusal had been robust and well-founded.

CAM welcomed the Tribunal's decision, noting that it was consistent with the Trust's earlier representations on the application. She reiterated the importance of protecting prominent rooftop vistas in Gibraltar's historic urban fabric and supported the message that such developments must be subject to rigorous design scrutiny.

MEEC also welcomed the outcome, stating that it validated the Commission's position and would help reinforce policy consistency in future cases involving rooftop developments in heritage-sensitive areas.

Chairman thanked CK for the detailed report and confirmed that the Commission had now formally received and noted the outcome of the Tribunal's judgement.

513/25 – O/19728/25 – The Aloes, 6 Bella Vista Close, Wellington Cottage, 33b Europa Road and Wellington Cottage, 8 Bella Vista Close -- Proposed two x storey extensions and alterations to two x existing single dwellings.

Agent's Presentation

Christian Revagliatte (CR), acting as agent for the applicant, addressed the Commission and presented the outline planning application relating to The Aloes and Wellington Cottage, two adjacent residential properties under the same ownership at Bella Vista Close and Europa Road.

CR explained that the proposal sought to extend and reconfigure both existing dwellings to provide enhanced residential accommodation, while maintaining their use as two separate single dwelling units. He described the scheme as a high-quality residential proposal, intended to modernise the properties and improve their functionality for contemporary living.

He stated that the proposed extensions would result in two-storey residential buildings, which he considered to be consistent with the surrounding built context. CR emphasised that the design approach sought to respond to the site's topography, with stepped elements and terraces used to integrate the development into the sloping landscape.

CR referred to the architectural intent of the scheme, noting that it combined traditional references with contemporary design elements, including pitched roof forms, balconies, and extensive glazing. He explained that the proposal aimed to improve internal layouts, increase natural light, and enhance connections between indoor and outdoor spaces.

He also noted that the site already contains substantial landscaped areas, terraces, and swimming pools, and that the proposal sought to build upon this existing arrangement, rather than introduce an entirely new residential typology.

CR confirmed that the application was submitted in outline, and that the drawings were indicative, allowing further refinement of design, materials, and detailing at full planning stage. He concluded by stating that the applicant was willing to engage further with the TPD and consultees as the scheme progressed.

Town Planning Presentation

Site and Surroundings

RL advised that the application site comprises two single dwellings: The Aloes (No. 6 Bella Vista Close) and Wellington Cottage (No. 8 Bella Vista Close). The site is located to the east of Europa Road between The Mount and the Garrison Gym and sits significantly above road level, bounded by a tall retaining wall along its western perimeter.

The properties are situated within a large, sloping plot of approx. 1680 sqm, surrounded by landscaped gardens, hard paving, and terraced patios. The dwellings are visually prominent in short and medium-range views from the public highway. The architectural style is colonial, though the original features have been altered over time. Access is via Bella Vista Close.

Planning History and Context

RL summarised the detailed review of the general pattern of development in the area and past planning decisions affecting this site and neighbouring properties. He explained that refusals have previously been issued on grounds of overdevelopment, loss of open space, and excessive scale and inappropriate massing height or density. The approved schemes had generally preserved existing massing and avoided increases in footprint.

Proposed Development

RL confirmed the proposal seeks outline consent for:

- two-storey vertical extensions to both dwellings;
- conversion to two x five-bedroom high-end unit;
- footprint increase from 436 sqm (26%) to 655 sqm (39%);
- total floor space increase from 431 sqm to 1110 sqm;
- new guest house and single-storey study outbuilding;
- glazed terraces, balconies, open-air garage and multi-level decks; and
- overall building height raised to approx. 17.5m.

Materials proposed include imitation slate roofing, solar roof tiles, stone cladding, traditional shutters, and casement windows.

A Tree Survey Report identified 21 trees, with 5 trees and 6 plants earmarked for removal. Ten replacement trees would be required under policy ENV12. The site currently features a high level of greenery and openness, which RL noted is an integral part of the local townscape.

Public Participation

Application subject to public participation and no representations received.

Consultations

DOE:

- requested that the applicant provide a predictive EPC and a full sustainability/renewables assessment;
- require a bird and bat survey before any works commence due to proximity to the Gibraltar Nature Reserve: Upper Rock;
- advised that works must be managed to prevent dust emission into the local environment; and
- CSI had no objections but flagged the need for appropriate refuse storage facilities.

GHT:

- object to the scheme, noting the two-storey vertical extension and substantial alterations would create excessive massing at odds with the area's scale and character;
- reject the Planning Statement's claim that the buildings' heritage value was negligible;
- submitted a desk-based heritage study supporting their objections; and
- recommended a more sympathetic scheme, with retention and repair of the historic structures and limited, context-sensitive extensions.

MfH:

- object to the development stating the proposal would substantially alter the scale and architectural character of the enclave;
- oppose the block-like massing and highlighted the loss of traditional form;

- recommend a complete reassessment of retaining wall treatments, especially those visible from downhill;
- consider the revised Setback Proposal to offer no significant improvement and advised a more substantial reduction in bulk and height; and support the retention and adaptation of historic structures, where possible.

MoT:

- object to the planting of creepers on the raised boundary wall along Europa Road;
- explained that encroachment into the narrow road width could force vehicles into oncoming lanes, causing safety issues;
- confirm that overhanging vegetation in this location is not acceptable.

TSD:

- no objections, but noted proximity of retaining walls and/or slopes that may be affected by the development; and
- required an initial Civil Engineering Assessment of the retaining walls to ensure safe load bearing under the increased building mass.

Traffic Commission:

- No objections, but required technical compliance documents at full application stage, including sight lines, turning circles, and access drawings.

Planning Assessment

RL explained that the TPD had received this outline application without any prior pre-application consultation, despite the scheme's complexity, sensitive location, and potential for significant policy conflict. TPD had explicitly requested early engagement due to concerns regarding the site context and scale of intervention.

He noted that the absence of such consultation limited the opportunity for the applicant to benefit from constructive feedback, particularly on site layout, building height, plot coverage, and the treatment of open areas. RL stressed that TPD had advised from the outset that the submitted approach would likely be unacceptable and require a "from-scratch" rethinking of the development strategy, particularly in terms of massing, contextual building heights, urban grain, and integration with the landscape.

Despite this, the application proceeded with minimal revision. A "Setback Proposal" was submitted late in the process, aiming to mitigate the scheme's visibility from Europa Road through measures such as:

- Raising the boundary wall;
- Planting creepers (later rejected by MoT);
- Recessing new terraces away from the roadside.

TPD undertook a targeted consultation round on this revised design but ultimately concluded that none of the underlying concerns had been meaningfully addressed. RL noted that the Setback Proposal was cosmetic in nature, offering only superficial improvements while the overall massing and footprint remained excessive.

From a policy perspective, TPD considered that:

- The increase in plot coverage (655 sqm / 39%) was disproportionate given the surrounding context, where most neighbouring properties have smaller individual plot sizes.
- The increase of the floor area from 431 sqm to 1110 sqm would result in a substantial rise in built density and break with the existing character of low-density, open-plot development.
- The new massing created a unified, block-like form between the two buildings, with elevated side wings and stacked terraces, significantly altering the area's visual rhythm.
- Enclosure of landscaped areas and introduction of new structures (guest house and study) diminished the spatial openness between properties – a defining characteristic of this part of the upper Europa Road corridor.
- Visual Impact Assessment (VIA) indicated high magnitude change on near and medium views, particularly due to the elevated nature of the site and the proximity to public roads.
- Long-term irreversible impact on the skyline and the streetscape was expected if the development proceeded as submitted.

Finally, RL expressed concern that granting approval in this form would create a precedent for similarly intensive schemes in the area, undermining the planning framework's ability to safeguard suburban character and promote adaptive reuse over demolition and intensification and recommended that the application should be refused.

Discussion

MEEC opened the discussion by stating he was not opposed in principle to a modern architectural design and acknowledged that elements such as green roofs or terraces could be acceptable. However, he raised several critical concerns:

- The overall massing needed to be significantly reduced.
- He was not aware of the extent of tree loss, particularly in relation to the proposed vehicular access, and sought clarification on whether the drive-in access and associated landscaping impacts could be mitigated.
- He observed that while parts of the original gardens and landscaping would be retained, the inclusion of a detached study outbuilding seemed excessive and should be reconsidered.
- He proposed deferral instead of refusal, suggesting this could provide an opportunity for the applicant to undertake a full design revision and formal engagement with TPD.

JH expressed strong objection to the removal of trees for car parking purposes. She emphasised that the Tree Survey did not adequately specify the location or species of the replacement trees, which must be addressed in accordance with policy ENV12 – Trees.

CV stated that while he was open to the idea of contemporary design, he believed the proposal, in its current form, failed to respond adequately to the site context. He supported a substantial redesign.

CAM (representing GHT) reiterated the Trust's position that the Aloes has intrinsic heritage value that must be preserved through adaptive reuse. She acknowledged that Wellington Cottage might be more open to redevelopment but insisted that any scheme should reflect the cultural and architectural heritage of the area.

The Chairman summarised the consensus emerging from members: that the scheme should not be approved as submitted, but that a rejection might not be productive at this stage. He proposed that the application be deferred subject to:

- Pre-application consultation with the Town Planning Department prior to submission of revised scheme;
- Preparation of a comprehensively revised scheme particularly in respect of scale and mass of building as well as the northern and southern ends of the development and loss of trees and access, the removal of study from garden and the Aloes building to be defined within the scheme;
- Expansion of the visual impact assessment (photomontages) as seen from public places from viewpoint determined by TPD;
- Undertaking of Section 23 public participation on the revised design;
- Re-consulting on the revised scheme with all relevant statutory consultees.

Decision

The Commission voted to defer the application subject to the above conditions and set out that the revised scheme is expected to respond to the concerns raised regarding massing, height, scale, openness, and heritage value, and to incorporate recommendations from the consultees and the TPD.

Vote:

In favour of deferral – 8

Against deferral - 3

Abstentions - 0

The application was deferred by majority vote and the TPD were instructed to formally write to the applicant setting out the Commission's decision and recommendations to progress a revised scheme.

514/25 – F/19770/25 – Naval Hospital Garden, Naval Hospital Hill -- Proposed construction of detached single dwelling.

Site and Surroundings

The 550 sqm open site located between Naval Hospital Hill Road and Admiral's Place to the south and the communal areas of Naval Hospital Gardens to the west. To the east, the site is adjacent to the entrance of the Devil's Tooth National Trail, forming part of the Gibraltar Nature Reserve's Devil's Tooth Green Corridor. The site is below the level of Naval Hospital Hill,

bounded by retaining walls on the south and west, and currently accessible only through the communal areas of the Naval Hospital Gardens.

CK confirmed that the site slopes significantly, with mature trees, eroded soil substrates, and partial landscaping and is visible from Naval Hospital Hill Road and the Devil's Tooth Trail and is surrounded by residential developments with historic character, such as Admiral's Place.

Proposed Development

Construction of a two-storey detached residential building with hipped pitched roofs, landscaped gardens, and a semi-underground basement providing 4x car parking spaces. The massing forms an L-shaped configuration oriented around an internal garden and glass-curtained porch.

The basement level occupies approximately 71% of the site footprint and is set back from site boundaries. Notably, it is set back around 3.3m from a window of the adjoining Admiral's Place building, allowing tree retention and an open space. Vehicular and pedestrian access would be provided from the northeast corner, with stairs descending to the ground floor.

The architectural style references the historic surroundings, including casement windows with glass panes, stone mouldings, coloured shutters, and a balustraded balcony. However, the design includes a two-storey tall glass curtain wall and a porch that diverge from the traditional treatment.

Proposed landscaped garden features a pool, hard-paved areas, rock features, and a lawn with 25cm soil depth, responding to DOE engagement. A green wall (122 sqm) is proposed along the west-facing basement wall but not along the national trail boundary. Of the five trees currently on site, three would remain, one would be relocated, and one would be removed.

The application included:

- a Predictive EPC with an A rating (NZEB standard with 51% energy from on-site solar PVs); and
- a Transport Assessment including swept path, visibility splays, mitigation signage strategy, and confirmation of no parking loss;

Public Participation

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

Consultee Comments

DOE:

- welcomed the NZEB measures, solar panels, and green wall.
- requested grey water recycling, detailed landscaping, and a final EPC.
- advised no works during breeding season;
- requested a detailed landscaping assessment prior to any landscaping works commencing and;
- CSI clearance on refuse storage.

MfH:

- raised strong concerns about cumulative erosion of green and heritage interfaces to original submission;
- urged a design reconsideration sympathetic to the site's historic landscape; and
- required an AWB.

MoT:

- confirmed that existing public parking must be retained; and
- noted that reconfigured plans had been submitted and had been accepted by the Traffic Commission (TC) pending approval of the final safety mitigation and traffic signage.

TSD:

- no objections;
- require sewerage and geotechnical assessments; and
- emphasised slope and retaining wall stability.

Planning Assessment

CK informed the Commission that the proposal followed extensive dialogue between the TPD, the applicant, and the DOE and that initial concerns regarding the original proposal's encroachment onto the national trail and insufficient soil depth had been addressed through a revised scheme.

TPD had no objection in principle to the construction of a detached dwelling at the site and considered some concerns—such as land stability, landscaping, and replacement trees—could be managed by way of conditions. However, CK noted that some concerns remained about certain architectural elements.

TPD supported the general architectural references to nearby estates but highlighted two key issues:

- the large two-storey glass curtain wall on the eastern elevation which was visually jarring and inconsistent with the otherwise sympathetic design; and
- the design of the main entrance porch was at odds with the traditional treatment and would benefit from redesign similar to the proposed balustraded balcony.

TPD also recommended that shutters be added to all windows across all elevations and that a green wall be incorporated along the trail-facing boundary to mitigate visual impacts, particularly given the nearby Atlas Views Garden Masterplan.

TPD was satisfied that the proposed access would not result in parking loss and that highway matters had been addressed, pending final ratification by Highways. In summary, subject to necessary design modifications and mitigations, the scheme could be considered acceptable and the TPD recommended that the Commission issue a Modification Order requiring the applicant to:

- replace the curtain wall with traditional fenestration;

- install shutters across all elevations;
- redesign the main entrance porch to reflect traditional vernacular (e.g. balustraded balcony);
- include a green wall at the national trail boundary (in consultation with DOE); and
- confirm refuse storage with CSI.

CK confirmed that if revised plans satisfying the Modification Order were submitted, these would be ratified at a Subcommittee and that Planning Permission would be issued subject to the following conditions:

- predictive and final “as-built” EPC;
- PV panel maintenance plan;
- a detailed Landscaping Strategy including two replacement trees and maintenance plan;
- tree Protection Measures;
- highway mitigation measures to be approved before installation;
- grey water recycling technology;
- no works during the breeding season without prior approval;
- an AWB;
- submission of initial geotechnical and sewerage assessments;
- a proportionate Construction Management Plan (CMP) and its implementation; and

other standard conditions.

Discussion

MEEC voiced strong opposition to the development, arguing it would result in the removal of an important green space—essentially a greenfield site. He pointed out that such development had not occurred in decades and that this application conflicted with longstanding government policies to preserve green areas, climate change objectives, and goals outlined in the newly published 25-Year Environment Plan. He warned that approving this development would be a regressive move, potentially setting a dangerous precedent.

He questioned how such a proposal could progress to this stage. RL and CK responding on behalf of TPD, explained that the proposal was an “iceberg home” in which the basement footprint exceeded the above-ground levels. He noted that TPD had directly consulted on this with the DOE and required expert input on this aspect and DOE raised no objection to the proposal if landscaping requirements—such as soil depth—were met.

JH also objected, expressing concern about long-term harm to the area's green character and stating that permitting such development would undermine efforts to preserve valuable open and vegetated areas. She considered the proposal inappropriate for this location.

Decision

The Commission voted on the application:

- 0 in favour
- 9 against
- 2 abstentions

The application was **refused** on the grounds of:

- loss of open and green space and trees contributing to local biodiversity and visual character in context of this area in the South District;
- incompatibility with policy objectives of material planning considerations such as the 25 Year Environment Plan; and
- lack of support for the principle of development in this sensitive location adjacent to the ongoing development that includes the enhancement of the national trails and nature reserve.

515/25 – F/19947/25 – Flat 1, 46 City Mill Lane -- Proposed extension, installation of lift and renovation of property.

Application Details,

RL presented this application and confirmed that the site comprises a two-storey building with a hipped pitched roof, wrapping around an internal courtyard and facing the Theatre Royal Park to the west. The surrounding area includes three to four-storey buildings with a varied roofscape. To the south lies a larger garden associated with a former military quarter's property. The site is accessed from City Mill Lane through a shared courtyard.

The site is visible from the public park, particularly from the southern approach, and is considered an integral part of the historic townscape.

In terms of planning history, RL highlighted that an outline planning permission was granted previously for an additional storey on this building and that although that permission had expired it had established the principle of permitting a single-storey extension in this location.

Proposed Development

The proposed development comprises the partial removal of the existing roof structure, the construction of a single-storey extension to the property, the installation of a lift, and renovation works to the existing building.

The proposed third-storey extension would accommodate a day room facing south, located behind a setback balcony with a metal balustrade and a new hipped pitched roof. The architectural treatment has been designed to respond to the character of the Theatre Royal Park.

RL explained that the materials palette has been carefully selected to maintain visual continuity with the host structure. Roof tiles and external finishes would match the existing structure, with an intention to reuse salvaged tiles where feasible.

The agent, Stephen Martinez confirmed that the adjacent building to the north is approximately 1.6 metres from the site boundary and that there are no new windows proposed on that side, thereby ensuring compliance with Part K of the building regulations.

RL noted that proposed sustainability measures included energy-efficient lighting, aerated taps and showers, double-flush toilets, thermal insulation, cross-ventilation, and traditional shutters

for passive solar regulation. The submission also included a Sunlight Study that concluded no significant loss of natural light is expected as a result of the proposal.

Public Participation

The application was subject to public participation and notice of the application was served on LPS and the occupiers of 44 City Mill Lane and 46 City Mill Lane. No representations were received.

Consultee Comments

DOE:

- bat and bird surveys prior to works commencing;
- no construction during the breeding season without prior consent; and
- requirements for a predictive EPC and a Sustainability and Renewables Assessment.

MfH:

- no objection to the scheme in principle;
- requested that any new glazed or metal elements be finished in muted tones to minimise visual impact; and
- requirement for an AWB.

LPS, MoT, and TSD: No objections

Planning Assessment

RL advised that the TPD consider that the proposal is a modest single-storey extension that builds upon a precedent already established through a previously approved outline planning application. TPD consider that the additional storey would expand residential living space in a way that is respectful to the host building and in keeping with the varied roofscape that defines the context surrounding the Theatre Royal Park.

The TPD consider that the proposed extension is appropriate in terms of scale and massing and maintains the visual rhythm of frontages on the approach from Governor's Parade and does not disrupt the intimate and delicate townscape of this area.

The TPD also consider that the use of traditional architectural elements and matching materials was considered appropriate, and the proposal was seen as a positive contribution to the local built environment, helping reinforce a sense of place.

The Town Planning Department deemed the scheme compliant with the relevant policies of the GDP and recommended that Members approve the application, subject to the following conditions:

- bat and bird surveys to be undertaken prior to works;
- no works during the breeding season without prior approval.
- Submission of a predictive EPC and sustainability and renewables assessment demonstrating NZEB compliance;
- Final details of materials, finishes, windows and shutters to be submitted for approval;

- an AWB to be implemented; and
- a proportionate Construction Management Plan to be submitted due to shared courtyard access constraints.

Decision

The Commission unanimously approved the application, subject to the conditions set out in the TPDs recommendations.

516/25 – 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 reprovision of existing bicycle parking and other street furniture currently located on the site.

Site and Surroundings

The application site comprises a vacant retail unit located at the prominent corner junction of Main Street and Casemates Square. The forecourt area in front of the unit functions as a transitional public space and contains:

- mature trees;
- a traditional telephone box;
- heritage plaques;
- recycling bins;
- bicycle racks; and
- a charging point.

Immediately adjacent is the retail premises Toy Corner, which has a partially constrained frontage due to the existing arrangement of street furniture and trees within the forecourt.

Proposed Development

Conversion and fit out of the vacant unit into a café and external seating area. Associated works include:

- tables and chairs with umbrellas and planters;
- removal of a planter which corresponds to the remains of the Barcina Gate to have an archaeological investigation and potential exposure of historic fabric; and
- relocation of bicycle racks, recycling bins and the charging point;

Representations

The application was subject to Public Participation and notice of the application was served on LPS and the owner of the site. Representations had been received from Manish Basantani (MB), the owner of Toy Corner who addressed the Commission. His main objections were that:

- the second row of seating would further constrain the lateral pedestrian route, especially during peak hours;
- existing street furniture already limits visibility, and the additional clutter would “sandwich” Toy Corner between major franchises;

- the proposed placement of bicycle racks in front of Toy Corner would reduce visibility and increase the risk of obstruction by parked bicycles and scooters;
- the area is heavily trafficked and also used by local charities, which may be displaced by the seating layout;
- the design would discourage footfall, harming the commercial viability of the business; and
- a reduced footprint, limited to a single row of tables, would be considered a fair compromise.

Counter Representations

In response, the agent, Mr Paul Passano (PP) and the applicant, Mr Herman Antonio Calvo Sanchez (HACS), addressed the Commission, and argued:

- a 1.7m clear pedestrian route is retained in the revised plan;
- the proposed seating is confined within the applicant's demise and does not infringe upon the alignment of the Toy Corner frontage;
- outdoor seating would activate the space, potentially benefiting all businesses; and
- willingness was expressed to revise the layout further, if required.

Consultee Feedback

DoE:

- requires a predictive-EPC; and
- noted that the proposal would remove public open space and would reduce its recreational, amenity and community value.

EA:

- noted that there were requirements for WCs given the number of seat covers (two x WCs);
- confirm that the WCs need to be provided or exempted, and it was noted that the applicant is seeking agreement with ICC for shared toilet access.

MfH:

- welcome the removal of modern cladding and supported heritage-led refurbishment;
- called for archaeological monitoring of works affecting Barcina Gate remains if found;
- and consider that external furniture must avoid cluttering the public realm.

MoT:

- No objection to revised layout, subject to appropriate relocation of infrastructure.

Traffic Commission (TC):

- Considered that the applicant should reconsider proposals as they result in too much clutter and advised that there should be a reduction in tables and chairs to enable the charging point and bicycle racks to be retained in the application site.

TSD – No objections.

Planning Assessment

CK advised that TPD consider that whilst the principle of the change of use and internal alterations are acceptable and that with appropriate conditions the heritage aspects can be appropriately managed there were concerns regarding the scale and the configuration of the outdoor seating and the placement of the bicycle racks and recycling bins would, in its current form, conflict with policies GDS2 (Design), GDS 3 (Loss of Open Space), GDS4 (Public Realm), GDS 17 (Shopfronts), TR2 (Highway Considerations) and TR11 (Cycle Parking Facilities) as it would unduly erode public realm quality, constrain pedestrian circulation and adversely affect the visibility and amenity of the adjacent unit.

CK went on to advise that the TPD consider that the impacts could be mitigated by requiring a Modification Order that limits external seating to a single row within the applicants demise and relocating the bicycle racks and recycling bin adjacent to the existing tree, avoiding any obstruction of the neighbouring shopfront, and that subject to these modifications and resolution of the EA requirements on toilet provision the proposal could be approved, subject to revised plans being submitted and ratified at Subcommittee. Any subsequent Planning Permission would include standard conditions and specific heritage related conditions.

Discussion

Members expressed overall support for the introduction of an A3 use at this prominent location. They acknowledged the potential town-centre benefits and public realm activation offered by outdoor seating.

However, there was general consensus that the current external layout, particularly the second row of tables, would result in excessive clutter and create unfair obstruction to Toy Corner's visibility and accessibility.

MEEC said that the bicycle racks may be relocated within Casemates and then charging points could also be added to it or incorporated to it and that if the new enterprise would stand or fall a on three bicycle racks, he would request the Ministry of Transport to come up with a solution.

The Chairman reminded the Commission that the issue was also about the overall congestion of the Casemates area and this corner and not just the bike racks.

JH noted that she agreed with the TPD, that the issue needs to be revisited and any relocation of the street hardware should be very carefully done.

CAM said that the GHT concurs with the comment of the MfH and the exposure of the remains of the heritage wall could be a benefit. She noted on the plans the door opening and the door is not centred into the original door frame. PP indicated that the door may be omitted or revised.

Members recognised that Toy Corner's frontage already suffers from cumulative visibility loss due to permanent public realm features, and that this application would exacerbate the issue unless mitigated.

Decision

The Commission unanimously resolved to approve the application in principle subject to the re-siting of the bicycle racks and charging point to another location to be agreed by the MoT and the resolution of the WC requirements with the EA.

517/25 – F/20058/25G – Tovey Cottage, 6 Queen's Road -- Proposed redevelopment of the site to provide a conservation, education and touristic centre.

Site and Surroundings

The site comprises a single-storey building located within the Upper Rock Nature Reserve which falls within a terrestrial Special Area of Conservation (SAC) and the buffer zone of the World Heritage Site (WHS). Tovey Cottage was last used as the Raptor Unit for Bird Wildlife Rehabilitation and Conservation, offering educational activities for local schools. The building is currently vacant and in a poor state of repair.

The site is located adjacent to historic military features, including Princess Caroline's Battery, and is accessed via Signal Station Road and Queen's Road. The site has limited visibility from public viewpoints, due to dense surrounding foliage,

Planning History

In 2018, the Government of Gibraltar submitted an application for refurbishment of Tovey Cottage into an office and interpretation/conservation centre, which was approved subject to DPC recommendations.

Proposed Development

The proposal involves demolition of the existing building and construction of a two-storey visitor and education centre, divided into upper and lower building components.

The lower building comprises an immersive cinematic room, a raptor research hub, admin and ticket office and toilets, whilst the upper building comprises Incubator rooms, staff and conference rooms, a café and shop unit with storage. Other elements of the scheme include:

- a roof terrace and observation deck, with lift access;
- north, central, and south landscaped decks;
- a bird of prey area;
- an open-air amphitheatre;
- a boardwalk with interpretation boards; and
- a rockery with cascading pools and trails.

No tree removals are proposed, although pruning may be required. The development includes several sustainability measures, including:

- PV panels;
- Rainwater harvesting;
- Green roofs;
- Energy-efficient thermal envelope; and
- SUDS

The centre is envisaged to function as a community hub, engaging the public with natural heritage and educational programming.

Public Participation

The application was subject to Section 57 Public Participation, and no public representations were received.

Consultation Feedback

DOE require:

- PV panel energy production and maintenance statement;
- predictive-EPC and sustainability/renewables report;
- a landscaping strategy and maintenance plan;
- a CEMP;
- bird collision deterrence measures;
- the applicant to apply for a License under the NPA;
- no works during breeding season without prior consent;
- consultation with CSI for refuse; and
- consultation on any tree works.

MfH:

- confirm that the existing building has no heritage value;
- welcome the development as a clear improvement with public, educational and environmental benefits;
- recommend consultation with WHO for interpretation potential; and
- require an AWB.

MoT:

- No objections.
- Require:
 - Queen's Road to remain unobstructed;
 - drop-off via Signal Station Road; and
 - Applicant confirmation that access to the site via would be via foot / drop off and private tours via Signal Station Hill.

TSD:

- Require submission of an Initial Geotechnical Assessment.

Planning Assessment

CK confirmed that the TPD welcomes the proposal and considers it a major uplift in terms of visitor experience from the site's previous use as a wildlife rehabilitation unit. The design integrates well into the landscape and reflects a sensitive architectural language, use of materials, and circulation strategy appropriate to the site's ecological and historical context.

CK noted that the TPD consider that this part of the Upper Rock is less populated with points of interest and anchor points than other parts of the NR and this visitor attraction will provide a stopping point and facilities along one of the busier tourist and visitor routes and diversify Gibraltar's cultural and educational offer.

CK commended the applicant for the comprehensive submission and early engagement with consultees, which allowed all key planning, environmental and heritage issues to be addressed at an early stage.

Recommendation

TPD recommend approval subject to the following conditions:

- a separate application for the demolition of the building;
- a Predictive EPC and sustainability/renewables statement;
- a PV panel statement (production and maintenance);
- a landscaping and maintenance plan;
- a Macaque Management Plan;
- a CEMP (addressing traffic, waste, dust and noise);
- bird collision deterrence measures;
- an Illumination strategy;
- requirement for a NPA license;
- any tree works to be coordinated via TPD and DOE;
- a Traffic Management Plan;
- an Initial Geotechnical Assessment; and
- an AWB.

Discussion

JH welcomed the proposal, stating that although the current Tovey Cottage has provided educational outreach to schools, there has been no general public access to the site. She felt that public engagement with natural heritage is currently underrepresented in the Nature Reserve and that this proposal could address that gap. She also enquired about the anticipated project timeline.

Nigel Garcia (the agent) explained that the team was conscious of school programming and ideally aimed to avoid the loss of a full academic year. He estimated completion within 1 to 1.5 years following permission.

Decision

The Commission unanimously approved the application, subject to the conditions set out in the Town Planning Department's recommendations.

Minor and Other Works– not within scope of delegated powers

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

518/25 – F/19817/25 – Various locations including the Airport, Ocean Village, Casemates, John Mackintosh Square, Campion Park, Commonwealth Park, Alameda Botanic Gardens, Europa Point, Midtown and Princes Carolines Battery -- Proposed installation of 10 x 3D

fiberglass monkey sculptures on a temporary basis to form a sculpture trail to be decorated by the community and local artists.

Members were generally supportive of the initiative, recognising its community and artistic value. The application was unanimously approved subject to a condition requiring the final locations of the sculptures being agreed prior to installation.

519/25 – F/20061/25G – Lathbury Barracks Industrial Park, Windmill Hill Road -- Proposed erection of a new Housing Works Agency facility.

Members generally welcomed the proposal, however, emphasized the need for landscaping proposals to incorporate new tree planting where possible and stressed the importance of ensuring that operational waste or leftover construction materials including cement do not accumulate around the site MEEC suggested that the car park should include permeable surfacing.

This application was unanimously approved subject to conditions requiring the landscaping proposals for the site to investigate tree planting and the car park to include permeable surfacing.

520/25 – D/19962/25 – 87 Queensway -- Proposed demolition of warehouse.

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.

521/25 – F/19179/24 – 325A Main Street -- Retrospective application for the conversion of retail premises into a barber shop and installation of new signage including fascia and projecting signs.

522/25 – F/19901/25 – Unit G.07, Eurocity -- Proposed fit out of unit as a nursery.

523/25 – F/19939/25 – 22 Medview Terrace -- Proposed refurbishment of unit including installation of new window and conversion of window into a Juliette balcony and associated internal alterations.

524/25 – F/19954/25 – 195 Main Street -- Proposed refurbishment work to building façade.

525/25 – F/19960/25 – 33 Main Street -- Proposed replacement of windows and shutters.

526/25 – F/19975/25 – 10 South Barrack Ramp -- Proposed replacement of existing windows.

527/25 – F/19993/25 – 1304 Ocean Spa Plaza, 17 Bayside Road -- Proposed installation of glass curtains.

528/25 – F/19998/25 – 902 Forbes 1848, 44-46 Devil's Tower Road -- Proposed installation of glass curtains.

529/25 – F/19999/25 – 39 Iberis House, West View Park -- Proposed installation of glass curtains.

530/25 – F/20008/25 – 1506 Grand Ocean Plaza, Ocean Village -- Proposed installation of glass curtains.

531/25 – F/20011/25 – 119, Quay 27, Kings Wharf -- Proposed installation of pergola in terrace.

532/25 – F/20013/25 – 15 West Walk, Europa Walks Estate -- Proposed internal alterations and extension.

533/25 – F/20014/25 – House 39, North Gorge -- Proposed installation of two retractable awnings to the second floor terrace.

534/25 – F/20023/25 – 152 Main Street -- Proposed internal alterations and installation of replacement signage.

535/25 – F/20026/25 – 6 Europa Advance Road -- Proposed small-scale biodiesel plant.

Follows on from Outline application.

536/25 – F/20028/25 – 203 Wellington Court, Devils Tower Road -- Proposed replacement of windows.

537/25 – F/20030/25 – 801 Forbes 1848, 44/46 Devils Tower Road -- Proposed installation of glass curtains.

538/25 – MA/19713/25 – 16 South Walk, Europa Walks -- Proposed extension and alterations to property.

Consideration of minor amendments including:

- *minor alterations to internal configuration;*
- *new extension over bathroom area; and*
- *amendments to some window openings and conservatory roof.*

Consideration of boundary fence details to discharge Condition 3 of Planning Permission No.9147A.

539/25 – MA/20003/25 – Unit 6, Atlantic Suites -- Proposed change of flat roof into usable terrace.

Consideration of Minor Amendments including:

- *installation of three x aluminium open slats pergolas.*

540/25 – Any other business

There was no other business.

The Chairman wished everyone a Happy Christmas and thanked the Members for their input over the last year. The Chairman confirmed that the date of the next meeting would be 22 January 2026.

Chris Key
Secretary to the
Development and Planning Commission