

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 3rd meeting of 2023 held remotely via video conferencing on 9th March 2023 at 9.30am

- Present:**
- Mr P Naughton-Rumbo (Chairman)  
(Town Planner)
  - The Hon Dr J Garcia  
(Deputy Chief Minister)
  - The Hon Dr J Cortes  
(Minister for Environment, Sustainability,  
Climate Change and Education)
  - Mr H Montado  
(Chief Technical Officer)
  - Mr G Matto  
(Technical Services Department)
  - Mrs C Montado  
(Gibraltar Heritage Trust)
  - Mr K De Los Santos  
(Land Property Services)
  - Dr K Bensusan  
(Gibraltar Ornithological & Natural History  
Society)
  - Mr C Viagas
  - Mrs J Howitt  
(Environmental Safety Group)
  - Mr S Benson  
(Rep Commander British Forces, Gibraltar)
- In attendance:**
- Mr C Key  
(Deputy Town Planner)
  - Mr L Gonzalez  
(Minute Secretary)
- Apologies:**
- Mr M Cooper (MC)  
(Rep Commander British Forces, Gibraltar)

## Approval of Minutes

### 55/23 - Approval of Minutes of the 2nd meeting of 2023 held on 23rd February 2023.

The minutes were not ready so this item was deferred.

## Major Developments

### 56/23 –O/18575/23 20/22 Queensway – Proposed construction of a mixed use development comprising residential, commercial, retail and a park with amenities.

CK briefly introduced the application and then invited Mr Robert Matto (RM), Mr Joaquin Rodriguez (JR) and Mr Daniel Perry from WSRM, on behalf of the applicants, to present the scheme.

RM explained that it was mixed use development. It includes a rooftop park containing recreational amenities and commercial premises. The scheme includes a residential element, car parking a supermarket and commercial units at ground floor.

The site is approximately 19,000 square meters, is largely vacant although there are some uses on the site that will be relocated

Overall area of the scheme is just over 11,700 square meters and the rooftop park would be approximately 20% larger than Commonwealth Park, and about 200% larger than Campion Park.

In terms of massing of the development, 81% of the development is low rise with the remainder high rise.

This high rise element is mitigated by incorporating gaps between the towers and the blocks themselves are setback as the height increases so as to minimise the impact of the volumetric massing.

RM explained the scheme was based on city within a city concept, where the park would have a mix of uses to be used throughout the day

At ground level there will be setbacks to the development allowing for pedestrian walkways and cycling lanes. Pick up and drop off points and service access for commercial units have been provided. The development would be accessible with lifts providing full access to the park.

In terms of landscaping, this will be looked at in more detail as the project progresses but will include trees and shrubbery, elements like green living walls, integrated planters, green roofs, and the provisions of birds and bat boxes.

In terms of sustainability, they are looking at a permavoid system for the rooftop deck, whereby rainwater will be harvested, collected and stored within the roof build up thereby avoiding large storage tanks at underground level. There will be electric charging points for the car parking areas. PV solar panels on the rooftop areas.

In terms of passive design methods, they have implemented deep overhangs to all the balconies so that they minimise the solar gain as well as the grey water harvesting, which supplements the irrigation system.

RM said a solar study had been carried out, the outcome of which is that the proposed development will start casting shadows onto Midtown, lower residential levels as from 4pm in the summer, and 3pm in the winter. The southern section of Edinburgh estate would be receiving sunlight throughout the entire day during the summer, and will be receiving sunlight from around 11am to 3pm in winter.

In terms of architecture and materials they are looking at the use of materials of utmost quality.

RM said they had taken into account the Heritage Trust's draft 2016 view study and their design respected views to the Moorish Castle.

The Chairman asked the members if they had any questions for the design team.

MESCCE said he had heard representations on alternative siting of the towers and asked for an explanation as to the chosen location.

RM answered that the visual impact study was obviously an important element that was taken into account and by having the taller residential elements of the scheme positioned as proposed they are able to maintain the vistas and views of the Moorish Castle. Having the taller elements to the North also avoided shadows being cast over the park. This configuration also allowed maximization of sunlight for solar panels.

GM raised concerns with the linkage with Campion Park and the fact that there would be a three story wall blocking pedestrian access to the new park.

RM said that there is a main thoroughfare, Queensway Road, in between both sides and there was not a lot that they could do to physically engage one side with the other. He did say they were opening up the façade opposite Campion Park with a sweeping staircase up to the Park. He also referred to the proposed zebra crossing and that perhaps this could be repositioned to better connect the two.

CAM agreed with GM's concerns. She queried the need for so many storeys of car parking resulting in a Park three storeys up.

JR said that the additional parking helps pay for the park. It also allows for the removal of on-street parking arising from plans for cycle lanes in this area.

RM said the parking units will also clearly serve all the commercial units, supermarket, and offices that are part of that mixed use development.

CAM said that it seems that the reason for the podium height and the difficulty with the integration with Campion Park next door, is the number of car parking spaces.

JH expressed concerns with the height of the podium too and the fact that this was largely due to the number of parking spaces being proposed. She felt an opportunity was being missed to better integrate the site at ground level.

JH was also concerned with the effect on the new elderly home. She felt that better visuals were required to appreciate the visual impact of the development on the area generally.

RM said he understood the concerns and agreed that they needed to work harder on better integrating their scheme with Campion Park.

The Chairman invited Mr. Darham, an objector, to address the Commission and said that all representations that were submitted, have been circulated to all the members, so they have had an opportunity to read the written representations.

Mr. Darham said he was addressing this meeting on behalf of the Midtown residents.

He referred to the GSLP 2019 Manifesto commitment not to build any tall structures on the Rook Site.

Mr Darham considered the design only reinforced car dependency and the concept of raised podiums did not work. He considered that space is required for housing, not more car infrastructure. The need was for housing for a broad mix of household incomes and not exclusive housing for the wealthy. He also expressed concerns with overshadowing onto Edinburgh Estate and Mid Town. Mr Darham argued that mid-rise blocks spread over the site would be provide a more equitable solution.

Mr Darham considered that building additional massive car infrastructure is not green, building lawns and planters on top of a large carbon intensive concrete platform is not green, building lifts to access a park, three stories in the sky is not green. Tall towers are inherently not environmentally friendly tending to reinforce the heat island effect. He also requested that wind and traffic studies should be carried out.

He was concerned with the raised podium that would not be pedestrian friendly. He further referred to studies indicating that podium garden spaces are not well used and that this was the wrong design approach.

Mr Darham said the DPC should reject this proposal in favor of one that provides a more inclusive mix of mid-rise housing as well as green areas as an example of what the Rooke site could look like.

The Chairman asked the members if they had any questions for Mr Darham,

JH thanked Mr Darham for his report/comments.

The Chairman then invited Mr Ian Ballestrino from the Heritage Trust to address the Commission.

IB said they had met with the developers and the design team and noted that the No 4 dock had not been factored into the concept and said that part of this had been lightly filled in 2009 when the reclamation was carried out for Midtown, the purpose of this being to allow for any future use of the Heritage asset.

IB made a short presentation showing the historic connection between No4 dock and Kings Bastion. He explained how this could be integrated into the development- it could be converted into an open air amphitheater venue for events, a new tourism venue for Gibraltar etc. He went on to show different ideas of how the no 4 dock could be used and kept. He said the Heritage Trust felt it was a pity no to have the No 4 dock in use as it would enhance the historic connection with HMS Rooke.

JH asked IB if this had been shared with the applicants and IB replied that it had and he said it was discussed briefly when they met in February.

IB went on to say that, the developers said this has not been taken into account in their initial design and that is why the Trust came up with this presentation, to raise awareness and seek the conservation and protection of no 4 dock.

CK then presented the Town Planners report.

#### Consultee comments

DOE welcomed the consideration of energy efficient measures in the development as well as incorporation of PV panels, zero energy lifts, electric vehicle charging points, rainwater harvesting and installation of green roofs. They confirm the development must be net zero and would require a predictive EPC and a detailed sustainable and renewables assessment. They also considered the development should include individual energy meters and there would be a need to consult with the department in terms of landscaping and would require a maintenance scheme for the upkeep of the green area. Bat and swift nesting sites are required and the cleansing superintendent would need consulting regarding refuse requirements.

Defense Land Agent has confirmed that parts of the development may be potentially vulnerable in respect of the buildings distance and would require appropriate structural analysis and justification to determine if elements are vulnerable or not.

DCA has confirmed no aeronautical conditions imposed.

GHT have concerns regarding the No 4 dock but welcome the overall leisure to residential ratio within the scheme and expansion of green areas in this area of the city.

MOE had comments on the parking and consider that assessable parking bays to be provided at 6% for retail floor space and 5% for office floor space in line with best practice.

MH confirm they would have preferred to have met with the developer prior to the application being summited. They note that neither a visual impact assessment or an archeological desk based assessment has been submitted and are concerned they are asked to provide informed advice without this information. They welcome the introduction of the green areas and the public parks but is difficult to provide analysis on this impact without a visual impact assessment. They would like to see the No 4 dock repurposed and reused within the development. They recommend an archeological desk-based assessment should be undertaken that would provide analysis on the impact of underground heritage assets but also on surrounding listed sites. A visual impact assessment should also be undertaking to see the view of the old town and they require an archeological watching brief throughout ground works.

MT have had no formal comments but have verbally confirmed that they object to the two-separated car parking accesses proposed on Queensway Road and consider that one centralised access/egress should be provided. This being on the basis that there would be four access routes within an approximate 100-meter stretch of road and from a transport perspective this would be dangerous and present an unnecessary conflict with pedestrians and cyclists.

TSD have no architectural objections to the development, however they consider the height difference between the podium level and the adjacent park be reconsidered in order to provide a bigger open space and flow to the podium activities. They have no technical objection to the proposed development however, they do confirm that the applicant liaises closely with the highways section for traffic related matters and the infrastructure section

with regards to drainage and also set out a number of technical requirements that would be incorporated on an outline planning permission if the Commission were to approve the scheme.

CK said the application had not been tabled yet at the Traffic Commission meeting but is scheduled to be at the next meeting at the end of March.

WHO and LPS had no comments.

CK presented the planning assessment.

CK said this was a predominately-brownfield and under utilised site which is currently run down and a prime site for redevelopment. Planning welcomes the mixed use development and also the design of a city within a city concept. For the most part, it is considered to be a low rise and low density development which will provide controlled public access and a controlled use to the majority of the site. This was considered to be a sustainable way of developing the site and have no objections to the height, massing or scale of the residential element of the scheme or its position. From a design perspective the residential element is considered to assimilate well between the existing Midtown and Euro city residential developments and is not considered to be overbearing on the new elderly care home or the adjacent Edinburgh estate. The design of the residential element needs work in respect of its façade treatment and as this is an outline application this can be progressed, provided the scheme obtains outline planning permission.

CK said that whilst representations had been submitted in respect of the design concept and the height and placement of the residential scheme, and that whilst being sympathetic to the issues raised, planning considers the applicant and their consultants have adequately addressed the points raised.

CK said from a Town Planning perspective there are many design concepts and approaches that can be adopted when developing a site and each approach has its own merits and the concept chosen is considered a suitable one. We are encouraged by the sustainability credential of the scheme and the commitment the applicant is showing to improving the public realm around and across the site including the provision of a cycle lane around the perimeter of the development, which would be in accordance with the active travel strategy at outline stage.

CK said, having reviewed the proposed development in detail and taken into account the points by consultees and objectors, there are some points which planning considers that need to be addressed by the applicant which would improve the development from a planning perspective.

CK said the Planning department are in agreement with the points raised by the GHT and MH regarding the No 4 dock and said there was an opportunity to recover this lost heritage asset, and not only could it be exposed but integrated into the development to provide a unique feature and potential cultural use. CK said when land was reclaimed this was lightly filled with material in a way that safe guarded it from damage and would allow exposure of the dock in any future development.

CK said the Planning department also shared concerns of the GHT and TSD regarding how the urban park would integrate with the existing surroundings, including Campion Park and Commonwealth Park located at ground floor level and consider that the proposed main

feature stairs could encompass a larger area so that the park is more exposed, legible and permeable, and more attractive to bringing people onto the urban rooftop park.

CK said it was also considered that the treatment for the No 4 dock could be the catalyst for addressing this concern as it will soften the transition from the south eastern corner of the site into the roof top park which sits 13 meters above it.

CK said the proposed development is providing 565 car parking spaces over the car parking requirements set out in the regulations. There are also substantive motorbike and bicycle parking requirements, 185 motorcycle parking's and 260 bicycle parking's that need to be provided in the scheme that haven't been catered for. It was considered that the additional 565 car parking spaces were excessive and from a sustainability perspective, it is important that the motorcycle and bicycle parking's are provided for. The provision of motorcycle and bicycle parking are a priority as well as exposing the No 4 dock from a Planning perspective. These priorities will improve the scheme.

CK said they agreed with the MT comments that the provision of two additional access/egress on Queensway road to be dangerous and provide unnecessary risk. Planning considered that two-access/ egress to be consolidated into one.

CK said there were no in-principle objection to the double height passage across the site at ground floor level but he stressed that this needs to be well lit for pedestrians use and to avoid antisocial behavior. The applicant should be providing 40% active electric charging points in the scheme.

CK said planning also agreed with the recommendations from the MOE that assessable parking should be provided at 6% for retail floor space and 5% for commercial office space within the development. In terms of the roof top park if the application is approved consideration should be given to providing pergolas which will provide shading.

CK said that overall, the proposed development generally complies with the planning policy and recommend that the Commission approve the outline application subject to the points raised being conditions and addressed in the full planning application and other conditions set out in the DPC paper which required a number of reports in support of the full application being:

Archeological desk-based assessment

Micro climate study

Detailed landscaping report, upkeep and maintenance plan.

Predictive EPC

Substantiality renewables assessment

Transport impact assessment

Noise impact assessment

Lighting strategy

Bat and bird nesting sites

DLA requirements.

The Chairman said the recommendation was to approve the application subject to the conditions.

DCM said this was an outline and this two-step process allows the Commission to improve the proposal. He said this was the third proposal for this site. In 2011 there was a proposal for a much higher development with superior massing, the second one was also with greater massing and increased height than the proposed development. He said this was a large area of land and the developer has stated that 20% of this will be residential and 80% being low rise so he said this was a welcomed change. He said there will be issues and improvements to make. The developers tend to stretch the developments to the edge of the land available to them and tend to build as high as possible, so pushing this back and adding cycles lanes etc. as is being done in this case, is welcomed. He said there are significant public gains with the park and with large green public areas and sporting activities, which will attract people, and the elevation of this development above road level will safeguard children. He said there are advantages and disadvantages to the development. The supermarket area and commercial area will be an advantage to all.

DCM said the Government does not want this development to go any higher than the Midtown development. In terms of where the residential buildings are to be located, Town Planning are in agreement and he deferred to their expertise on this particular issue. He did agree that there was a need to open up the passage way or connection between Campion Park.

DCM agreed with the Heritage Trust's suggestions to integrate the No 4 dock into the development and he said there are different ways in which this can be done. He said there must be interpretation in relation to HMS Rooke and its historical function in the military history of Gibraltar and interpretation of the dock itself. He agreed with the Heritage assessment of the open area, green area and that town views are protected from tall buildings.

CAM referred to the No 4 dock which has the ability to be integrated nicely with the podium level. She said it was ironic that the park has a higher podium level due to the parking spaces needed to fund this. She said in terms of the space covered by the No 4 dock they have estimated that they would be gaining an extra 1000 meters squared by exposing the dock which could be an extra 5% which might help to alleviate some of the pressures in height and setbacks in other areas.

The Chairman said he agreed with CAM and exposing the No 4 dock would provide a wonderful opportunity to provide a more gradual transition between the street and podium levels.

JH said if the height was reduced to the same height as Midtown that would have some benefit to the worst affected residents. She referred to what CAM said about the volume of parking funding the park was creating this monster podium which is having a bigger impact than it could have. JH said they still had the same concerns they initially had.

MESCCE said this was a wonderful opportunity to conserve No 4 dock and this was unanimous between the members. He said he supported the member's comments on the reduction and opening up of the wall effect of the podium. MESCCE said this could be accommodated in the process between outline and formal.

He said he supported this application, and the incorporation of all the green space is positive and should be factored with the comments put forward by the DOE in relation to sustainability. He said there was an excessive amount of parking proposed and this could be



reduced allowing a drop in the height of the podium and said the maintenance of the park should not be funded by those parking spaces. He said by having all those parking spaces it could reduce roadside parking in other areas and within the city walls, this could also see the removal of carparks in Queensway which could be converted into green spaces.

MESCCE referred to the location of the buildings and suggested this could be shifted a bit anti clockwise and said the GHT had made strong representations on this. He said he agreed with DCM that the height could not be greater than Midtown. He said the landscaping had to be discussed in detail, water features could be incorporated. He said tennis courts are overprovided in Gibraltar so these could be replaced with paddle tennis courts or a skate park.

MESCCE noted the intention to provide nest sites for swifts and bats and recommended nest sites for falcons as well as they are tall buildings. He said new developments in Gibraltar should provide space for cultural activities for cultural groups. He said the provision for the electric car parking should be 100% and if so many parking spaces are to be kept it could become an electric vehicle charging hub, this could compensate for the environmental air quality impact of so many car parking spaces.

MESCCE offered to arrange to meet with all the parties involved to see how this could be developed prior to a formal application.

JH asked about the trees and noted that there would be a loss of existing trees that would be either relocated or replanted and said this should be reviewed by the DOE.

MESCCE said that they keep a watchful eye but also rely on the public and departments to point out things they may not be aware. He said a condition would be that there are more trees in the new development than there are now.

The Chairman said the recommendations are to approve the application subject to all the conditions included in the Town Planning report. A condition is being added to restrict the height of the building to no higher than the highest building in Midtown. On the car park, if this were not reduced it would need to include 100% evcps.

The Chairman asked the Commission if it was a unanimous decision or if they needed to vote.

JH said whilst there was a lot of support for the project, the types of changes that were being requested could be significant from the developer's point of view and that the scheme should be revised rather than conditioned.

MESCCE said this had been done with various projects and it had been successful.

The Chairman said this was an outline application and there was scope to apply all the conditions referred to and the developer would need to comply with them.

CAM said the DPC needs to consider all options to ensure the best outcome. If the concerns raised today are not addressed, then DPC should have the right to change its decision at the next stage.

MESCCE said when it comes to the full planning stage it could be rejected if it's does not comply with the Commission's requirements

DCM said the DPC always has the last word and this is procedural which had been done by the Commission in the past.

CAM commented that if the parking element was reduced so lowering the height of the podium, it would make the development more user friendly.

SB said they were inclined to approve the application at this stage subject to the developers engaging with them in respect of their representations.

The Chairman said the DPC can make a decision on the outline notwithstanding changes being required some of which could be substantial. He suggested that the full application go through public participation again to allow the public to make representations on the significant changes and recommended the Commission make a decision on the outline application.

JH said even if the Commission wanted to reject it at the next stage it would be more difficult as the pressure would be on the DPC. There have been serious points raised by objectors and empathises with them as this is a huge project.

MESCEE disagreed with JH saying that this was just an outline and the conditions could be achieved. He said there were great positives in this project and the outline should be granted and engage in full planning.

DCM said there was a process to go thorough and this was the way the Commission operates. The project has a lot of positives but needs to be improved.

The Chairman asked the commission to vote.

Votes

In favour - 10

Abstentions - 1

The Outline Planning application was approved with conditions.

### **Other Developments**

None

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

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

None

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### **Applications Granted by Sub Committee under delegated powers (For Information Only)**

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

**57/23 - F/18169/22 - Merchant House, 124 Irish Town -- Proposed internal alterations splitting single office building into three x office units and retail unit on ground floor.**

***Proposed consideration of window specifications to discharge Conditions 2, 3 and 4 of Planning Permission No. 8521.***

58/23 – F/18467/22 – 3A Gowland’s Ramp -- Proposed relocation and extension of entrance hallway to provide for new family bathroom within residential property.

59/23 – F/18469/22 – Calpe Road left of the Calpe Hole Tunnel entrance on south east corner of Calpe Barracks -- Proposed construction of plinth to install a fiber optic cabinet.

60/23 – F/18482/22 – 26/27 Rosia Plaza -- Proposed amalgamation of two x apartments into one.

61/23 – F/18488/22 – Europa Road -- Proposed reinstatement of a section of collapsed retaining wall.

62/23 – F/18497/22 – 334 Canberra, 41 Both Worlds, Sir Herbert Miles Road -- Retrospective application for internal and external alterations including the enclosure of a former balcony.

63/23 – F/18500/22 – 39 Irish Town -- Proposed change of use from shop (Class A1) to office (Class A2).

64/23 – F/18570/23 – 2 Rosia Court, 21-23 Rosia Road -- Retrospective application for internal alterations, access to balcony and enclosure of balcony

65/23 – A/16640/20 – First Floor, Casemates -- Proposed installation of banner to advertise body painting festival.

66/23 – MA/17611/21 – Cruise Liner Terminal, North Mole -- Proposed installation of photovoltaic panels on the roof of the building and installation of ancillary equipment.

*Consideration of proposed Minor Amendments including:*

- *The reduction in the number of panels and inverters from 456 modules of 335 WP and four inverters of 33kwac to 334 modules of 450 WP and three inverters that add up to 132 KWAC maintaining the same nominal power from the granted planning permission.*

67/23 – Any other business

There was no other business.

Chris Key

Secretary to the

Development and Planning Commission