

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 12th meeting of 2022 held remotely via video conferencing on 15th December 2022 at 9.30am

Present:

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

The Hon Dr J Cortes (MESCCE)
(Minister for Environment, Sustainability,
Climate Change and Education)

The Hon S Linares (MHEYS)
(Minister for Housing, Employment, Youth and
Sport)

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mr I Balestrino (IB)
(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)

In attendance:

Mr C Key (CK)
(Deputy Town Planner) *Acting*

Mr D Francis
(Minute Secretary)

Apologies:

The Hon Dr J Garcia
(Deputy Chief Minister)

Mr M Cooper
(Rep Commander British Forces, Gibraltar)

Mrs C Montado
(Gibraltar Heritage Trust)

Approval of Minutes

451/22 – Approval of Minutes of the 9th meeting of 2022 held on 14th September 2022, the 10th meeting of 2022 held on 20th October 2022, and the 11th meeting of 2022 held on 17th November 2022.

The minutes were approved.

Matters Arising

None

Major Developments

None

Other Developments

452/22 – F/18182/22 – 50 Ragged Staff Wharf, Queensway Quay -- Retrospective application for the removal of windows and installation of glass curtains.

CK said that the application is a retrospective application at 50 Ragged Staff Wharf. The application was for the removal of a French door, to be replaced with glass curtains.

CK explained that the applicant had previously applied retrospectively in July 2014, as part of an application for other works. He said that the Commission at the time had voted by majority for the French doors to be reinstated, with disabled access designed appropriately into it, and this was included as a condition on that planning permission.

CK said that the Town Planning Department (TPD) has since visited the site in February this year to see if it had been reinstated and it had not. The TPD subsequently requested the applicant to reinstate, however, the applicant has applied again retrospectively, on the basis that similar glass curtains to what he has installed, has been granted approval within the vicinity of Queensway.

CK said that the application has been consulted on and the Department of the Environment (DOE) have confirmed that they have no comments and there have been no objections from Land Property Services (LPS) or from the Technical Services Department (TSD).

CK said that the applicant has also served notice on the management company and representations have been received from them. CK said that the representations state that the applicant originally submitted the retrospective application in July 2014 and that the Commission previously determined that the opening should be reinstated. They confirm that the removal of the windows that had been undertaken is contrary to the management company's policy and will be refused by them. CK said that they consider that it appears that the Commission has not pursued the decision reached at that DPC meeting and instead

accepted another retrospective application for the same issue, and therefore believe that the Commission should refuse this application.

CK said that the TPD has received counter representations by the applicant. CK said that the applicant confirms that BFA acts as the agent on behalf of the management company, and that he has resided in Ragged Staff for over 10 years. The applicant stated that one member of the management company who has resided in the complex for less than four years has personal issues with him and other residents and is attempting to make life difficult. CK said that the applicant also confirmed that he is the owner of Pro-Vent windows and that he has installed glass curtains in countless other homes in the Queensway area.

CK added that both the applicant and the objector were available for questions or any points of clarification.

CK summarized the TPD's assessment and said that notwithstanding the previous decision, the TPD have reviewed the situation carefully following the submission of this retrospective application and consider that the visual impact of the glass curtain that has been installed is considered to be negligible as it is recessed. CK added that it is difficult to appreciate it from any public vantage point as it is located at a higher elevation, he also noted precedents for similar changes elsewhere and recommend approval of the glass curtains. CK added that if approved, this would not mean blanket approval for glass curtains on lower levels that would be more visible and particularly on the east side which is much more visible from public areas.

The Chairman invited questions for either the applicant or objector and there were none.

Colin Francis, representing Queensway Quay Management Company Ltd requested permission to speak. He referred to the 2014 application and pointed out that the Commission had conditioned for the original French door and window to be reinstated.

The Chairman confirmed that if this application were to be approved, then the French doors and windows would no longer need to be installed as they would be replaced by the glass curtains.

JH said that the Commission had made a decision so many years ago regarding the integral design and layout of these buildings, recommending to keep them intact. JH said that it was a decision the Commission made and considered before and she did not see how they can overturn that decision. JH added that she would be very uncomfortable about that.

CK presented some slides and explained that this opening is recessed from the front plane of the building, and because it is set back, the TPD does not particularly consider that the fenestration of this building has been affected. CK said that on other parts of the building the TPD may well take a different approach, because they are far more publicly visible.

The Chairman noted that the reason why the TPD is recommending approval now, is in terms of the impact that this would have on the overall scheme and, that it is only considered a negligible impact. The Chairman referred to the planning report presented by CK where he mentioned that on these East Side, it would be a very different scenario because of the views on the Eastern facade which can be achieved from public areas such as all along Wellington

Front and behind that as well. The Chairman said that essentially the recommendation has come down to whether or not the TPD considers whether it has a significant visual impact or not.

There were no further comments from the Commission.

The Chairman moved to take a vote on the application.

In Favour	6
Against	2
Abstentions	2

The application was approved by majority vote.

453/22 – O/18319/22 – Atlas Views, Naval Hospital Hill -- Proposed community Masterplan for the development of external rear garden areas.

CK said that this is an outline application at Atlas Views on Naval Hospital Hill. The site comprises five pairs of former MOD residential dwellings which were built in the 1970s. CK said that this outline application relates to the rear garden area and is seeking a master plan proposal for the garden areas behind each of the properties. CK explained that in April 2021, the TPD issued an informal design guide to the management company regarding a scope of works which they consider to be acceptable to the rear of these dwellings.

CK said that within this guidance they set out that;

- The development area should be no more than 12 meters, measured from the original rear patio wall.
- The construction of the developed areas should be limited to tiling, decking and swimming pools.
- The boundaries of the plots between each dwelling should be physically demarcated with appropriate boundary structures such as fences or walls, and these should be no more than 1.8 meters in height.
- All existing trees on the site will need to be retained and they also need to be protected during construction works
- The remaining land outside of the developed area, would not be allowed to be built on with any hard surface, however works to terrace the garden land to provide different levels would generally be acceptable.
- Any pools that were to be developed within the area would need to be filled with saltwater.

CK said that the outline Master Plan proposals basically indicate decks, terraces or pool areas in the rear of each of the gardens with a mix of boundary structures which will be no more than 1.8 meters in height and stepped down to reduce the impacts between each neighbouring property.

CK said that the Outline Master Plan also confirms that;

- There will be a gabion wall to be utilized to provide land stability across the site.

- Each full application would include detailed landscaping proposals for the rear garden area, and that these proposals would support existing vegetation to be found on these sites.
- The public footpath along the boundary of the site will be retained.
- All pools will be saltwater filled.
- There will be no loss of existing trees on the site.

CK presented an overview comparison between the areas that the TPD had set out and the Master Plan proposal and continued to summarize the proposals along with the slides presented.

CK said that in that in terms of the consultee's comments, the DOE have requested that tree and plant surveys are undertaken prior to any works on any individual site taking place and also commented that no works should be undertaken during breeding season without consultation.

The Ministry for Heritage has confirmed that they have no objections however, they would require an archaeological watching brief if groundworks are undertaken.

The TSD have also confirmed that they have no objections and at the time of preparing their assessment, the TPD have not had any comments back from the Gibraltar Heritage Trust or Land Property Services.

CK said that, in terms of the TPD's planning assessment, they welcome the master plan. He said it generally complies with the informal design guide that was sent out on April 2021. CK said that they are aware that some proposals exceed the recommendations slightly in respect to the redevelopment area, however, it is not considered to be significant. CK said that they consider the proposals to be generally sensitive and they do not result in any particular amenity issues between the properties.

CK said that the TPD recommended approval of this outline application subject to conditions which clearly set out the requirements for tree and plant surveys throughout the process, an archaeological watching brief, detailed landscaping plans to be submitted and existing trees to be retained on site and any retained trees to be protected. CK informed the Commission that if they approve this master plan, the intention would be for individual applications for each property to be submitted and if those applications do comply with the guidance, which is clearly set out within this plan, then these individual applications could be then determined at a subcommittee level.

MESCE pointed out than on the proposed plan, the garden extended all the way to the path. MESCE asked if the whole area down to the path is actually property of the residence.

KDS confirmed that it is owned by the Management Company.

KB asked the Chairman if he could confirm how close the development area was to the Devil's Tooth elements of the Gibraltar nature reserve and if it encroaches in any way.

The Chairman said that the whole area had been given to the Management Company and it does not encroach on the nature reserve at all. The Chairman added that the footpath provides access to the Devil's Tooth nature reserve area.

Stephen Martinez (SM) from Arc Designs, on behalf of the applicants, said that the path is the limit of the property and they are leaving the 1.2 metre nature path. SM confirmed that they were keeping to the areas devised by their peers.

JH was concerned with the lack of renewables. JH asked whether the development would have solar power and solar thermal. JH said that these requirements were absent from the original refurbishment plans for the houses and asked that what is the compensation in terms of renewable energy.

SM said that the applicants would not have any problems installing something that will be efficient. SM also said that they will be using saltwater pools on the TPD's recommendations and basically, as far as possible, they will be using gabion walls, which are full of rocks. SM explained that they are trying to keep their carbon footprint as small as possible and as for renewables, the master plan is open to amendment, but these are open gardens and there is not much they could use other than maybe solar panels that will heat up the water. SM added that they are happy to take any recommendations that anybody else thinks is suitable for this part of the project.

JH said that the development was in a south facing area and it is entirely suitable for renewable energy.

JH said that there were no inclusions when the refurbishments came forward and that they were now including further development and losing a green area. JH added that these plans should be conditional to seeing strong green measures put into what is the loss of another part of green Gibraltar.

SM added that a couple of residents have included solar panels of their own accord.

CV said that retaining walls would need to be built and these things are costly endeavours. CV asked whether this has been looked at as it is such a large site that he is not really sure whether the applicants are properly aware of the works that could be involved.

SM said that they had engineering input for the master plan and said that the biggest difference in level is not between the properties but down to the rear boundaries. SM said that the pools have been proposed side by side to avoid the trees that are in block seven and so that there is a minimum difference in levels between the properties.

SM added that it was their intention to reuse the rubble that is already on site for the Gabion walls.

MESCE said that he regretted this development of artificial gardens in a natural green area. MESCE said that he understands that that Commission have considered it before and that they agreed that part of it should be turned into a garden. MESCE said that he did not particularly like the idea of the fence between the properties extending all the way down and would have thought that they would fence off the area with the pool and would have left the rest in a natural state. He added that he did not agree with the recommendation that there

should be different types of fences and believed that the fences should all be uniform, and they should look natural. MESCE asked SM, that in the full planning application, they should look at a uniform, more natural looking fencing and was happy to discuss with him what that might look like.

MESCE also said that he was concerned with saltwater pools on this site, because of the possibility of leakage overflow, which will destroy the landscape area below. He said that he would be more comfortable with freshwater here. MESCE also said that in that part of the garden, he would prefer decking which allows flow of water and if they are thinking of plastic grass, it should be restricted to that area. MESCE said that there should be no plastic grass beyond that in the area that has to be maintained as a natural garden because plastic grass is not green other than in colour. He added that the condition should be that no plastic grass beyond the original area.

MESCE agreed with JH's previous comments and said that the compensation of placing renewables on the building in order to compensate for the reduced consumption of carbon by the vegetation should come through full planning and also thought that they should see some new trees planted in the area as part of the landscaping.

MESCE instructed that they have to make sure that if they do not use the rubble for the Gabion walls, it is not dumped elsewhere in the area, particularly in the area of the nature reserve. He added that the DOE will keep a very, very close eye both on that, and on any work around trees and any excess rubble has to be taken away from the site.

The Chairman asked SM whether they could respond to some of the points that MESCE just raised and in particular, whether you they would be amenable to having a uniform fencing throughout the rear area, the issue of renewables and the question about not having artificial grass beyond the pool decking area.

SM said that two committee members were present and they could have a vote on the fencing and other issues.

MESCE said that he did not think that anything he said was unreasonable or beyond SM's broad capabilities of achieving a goal. He added that it is not down to them to vote, and to see whether they are amenable to it. He said that if the Commission places the conditions, that is what has to happen.

MHEYS said that he concurred with JH and MESCE.

MHEYS said that the pathway to the nature reserve should be widened to provide a better access to the public. He said that it is currently at 1.2 metres and should be widened to 1.5 metres.

MHEYS also agreed on using fresh water for the pools as he said that if there were a leak, salt water will burn all the plants and vegetation that are going to be planted or should be planted. MHEYS also suggested the use of grey water recycling plants in order to recycle any greywater or rain water collected.

He also suggested for the recycling plants to be installed underground seeing as there will be excavation taking place.

MHEYS also insisted on the use of solar panels and pointed out the possibility of powering the pool pumps or lighting. He said that this should be included as a condition; the solar panels will produce electricity for the whole of the project, plus some electricity for the houses. MHEYS also said that he thought that any type of fencing would be unacceptable and would rather have Cypress trees to segregate the walking area from the green area.

MHEYS said that no plastic grass should be allowed and more trees should be planted. MHEYS pointed out that it would be very costly to grow and maintain the grass in this area and the more trees in the garden, the better it will be for maintenance in the long run. MHEYS said that he was not objecting to the proposal but the plots should be enjoyed under the right conditions whilst being environmentally friendly.

KB said that he understands that the area is within their lease but thought it was regrettable that they were about to lose an area of natural habitat which is very attractive during the springtime full of flowers, and a lovely approach to the Devil's Tooth path. KB also said that the Commission have spoken about compensating for the loss of green area with solar panels, and whilst he agreed that the measures are necessary to redress in some way, he did not think they can use the word compensation, when green areas are about so much more than just carbon. He added that green areas are about aesthetics, biodiversity, and public amenity, and therefore, he did not think they should be using the word compensation.

MESCE said that for the very reasons that KB had explained, the compensation was purely for the carbon loss. He said that there are a lot of other things that are lost when you lose a natural habitat.

The Chairman noted the various comments on the type of fencing to be used, the use of water, the recycling of water, the renewables, additional tree planting, and the issue to do with widening the pathway. The Chairman explained that all those issues need to be considered by the applicants, and revise their scheme accordingly. He added that they can then re submit a revised proposal to the Commission for its consideration. The Chairman said that they would then have a master plan that the Commission can approve that will guide the individual applications thereafter. The Chairman recommended deferral unless anybody else disagreed with that approach.

MESCE agreed with the Chairman and offered to meet SM and the residents and perhaps other members to discuss a way of developing the plan further He said that he was sure that they can come up with a design and a way of going forward, which will satisfy everybody.

SM said that the individual tenants have already purchased the area from LPS and the negotiation to widen the path will be with the tenants and not the Management Company. SM also said that there would be no problem in addressing the comments from the members of the Commission. SM was concerned about the possible negative effect on structures from the root of the trees but would be happy to take on board landscaping consultants.

The Chairman and CK confirmed that they would coordinate the meeting with MESCE and the applicants.

The application was deferred.

454/22 – F/18432/22 – Vault 10, Chatham Counterguard -- Retrospective application for refurbishment of premises.

CK said that this is a retrospective application at Chatz restaurant and bar. CK explained that the scope of works includes various internal alterations within the vault and external works. He said that inside the vault, there has been the installation of weaved matted panels. CK said that externally, there has been the installation of a straw cover on a pergola on the top of the unit as well as the installation of weaved matted panels on the facade, which has obscured the clear glazed frontage and the framework which is coherent across all the vaults. He added that they have also installed weaved matted panels on the sides of the steel pergola which have been secured to it through a wooden frame, which is basically been screwed into the floor and also into the exterior of all of the vaults, which is a listed monument. CK noted that the applicant has recently removed the straw from the pergola.

CK said that in terms of the consultee's comments, the DOE do not have any comments. The GHT have raised concerns regarding the external appearance, which they consider goes against the established guidelines for signage, and the pergola appearance set by the Commission. They consider this is completely out of character for the site and its setting. CK said that they also note that the retrospective application does not contain any information on the substance of the works undertaken, the materials used or the methods of application. The GHT also state that the vault is located in a listed monument and any alterations must be carried out under a scheduled monument consent, which they understand to date has not been applied for.

CK said that LPS have confirmed that they have landlord's objections and that no landlord's consent has been provided to the applicant, therefore the work has been undertaken without their authorization.

The Ministry for Heritage has confirmed that they have met on site with the applicant and confirmed that the works do not have an adverse impact on a listed site and they have confirmed that the internal brickwork and stonework has not been defaced or painted. CK said that they have no objections to the application.

CK said that the TSD have confirmed that they do not have any objections and Environmental Agency are objecting to the application on the basis that the materials, externally and internally, are constructed of weaved matted panels that would not allow for effective cleaning and it may provide harborage for pests.

CK said that in terms of the planning assessment, in respect of the internal works, the TPD does not have any objections, but they understand that there may be building control concerns. These concerns should be dealt with by with building control at the relevant stage.

CK said that the TPD did have concerns regarding the exterior works as they would set a precedent in the area, they would go against the established design guidelines which have been set by the Commission and they would affect the setting of a protected monument. CK said that in view of that the TPD have the following recommendations.

The TPD consider that the timber structure which has been installed on the pergola which was used to support the straw roof should be removed. They consider that the weaved matted panels, which had been installed on the frontage of the vault, should also be removed to ensure that the appearance of the vault in this setting is not undermined. CK said they met with the applicant on site and it is understood that sound insulation has been placed between the frontage and the weaved matted panels on the interior of the unit. CK explained that when these are removed, the sound insulation material would be visible and in order not to see that and retain the frontage, as a compromise, the applicant could install some sort of mirrored vinyl on the glazed parts of the frontage.

CK said that the TPD also consider that the weaved matted side panels should also be removed as they are fixed to the listed monument and they are also deemed to affect the setting and appearance of the vaults. CK said that the TPD would require that the applicant should be provided this guidance and they should submit revised plans adhering to these recommendations. CK stated that if they did, the TPD could determine the application at a subcommittee level and not bring it back to DPC.

The Chairman invited comments from the members of the Commission.

MHEYS said that he agreed with the recommendations but believes that the panels and frame should be removed before consideration of the new plans.

IB said that he agreed with MHEYS and that the applicant should apply for a Heritage licence before work is intended to be carried out on a listed building. IB said that they should go back to square one and start reviewing this application from the start, with all the necessary paperwork.

The Chairman said that he was not sure whether the applicant has formally submitted an application yet or not for a Heritage licence, but they clearly would require to do so. The Chairman said that if the members of the Commission were in agreement with recommendations, they could put that to the applicant and obviously no permission would be issued until they have complied with those recommendations.

CV said that he agreed with the TPD's recommendations. CV said that there were guidelines issued for the whole of Chatham Counterguard, which obviously have been ignored and not just by this one entity. CV said that when it comes to tables and chairs and the tents, there are breaches on both Planning and the Heritage Acts. CV referred to the recommendation on using vinyl and suggested that the applicant submit the design beforehand so that the Commission may consider if it is appropriate.

CV said that another option would be to set back the sound insulation and they probably would not need the vinyl. CV added that he would favour this option as he thought the guidelines were very clear on what all these vaults should look like.

MESCE said that this shows why it is so important that people do not make changes and carry out works and then ask for retrospective approval. MESCE added that a lot of the aggro that clearly the people behind this are going through now would have been avoided, had there been prior consultation, sitting down with the planners, and so on and looking at the guidelines.

GM said that mention has been made of sound insulation, and to the best of his recollection, sound insulation has never been an issue which has been brought to the fore or made into a significant design consideration. GM asked whether this is not going to be a dining establishment as opposed to be something else.

CK confirmed that it is a dining establishment that will be used to play music later on at night, inside, therefore, the requirements for the sound installation.

GM asked how the establishment would differ from the adjoining ones. He also asked whether they would have different licensing hours.

The Chairman invited Brian Zammit (BZ) to answer GM's question.

BZ said that all the decoration is purely decorative and that the straw is no longer there. BZ continued to explain the various reasons behind the works and mentioned that many of the vault's features were in a dilapidated state. BZ then referred to GM's question and explained that the restaurant is designed with a different concept in mind. BZ explained that the inside does not have any tables and chairs for dining and that the dining area is on the outside area where the road used to be. BZ said that it is a concept which is seen in many areas around the world, where you have a nightclub on the inside and then you have a restaurant on the outside, but the whole idea is for diners to remain there and to continue to enjoy music and dancing until the later hours of the morning. BZ said that they have been informed by Customs that if they can get an extended entertainment license, they should not have an issue in being licensed until 4am.

JH asked the Chairman what the penalties were now for retrospective applications that are coming before planners, to stop people from simply submitting retrospective applications.

The Chairman said that there are statutory powers under the Town Planning Act to allow for retrospective applications. He said that there is not a penalty as such unless enforcement action is taken. The Chairman said that the only other penalty is that when a retrospective application is received, instead of paying the normal application fee, the applicant would pay double the normal application fee, so there is a penalty in that respect. The Chairman added that the only other penalty available would be to criminally convict a person for an unauthorized development.

IB said that there seems to be many issues with this application, even to the point of entertainment licenses and extension of entertainment licenses, but the applicant has gone ahead and carried out works on a listed building, which have not been authorized. IB said that this should have been stopped from day one, before the works actually proceeded and there seems to be a lack of communication between departments.

BZ said that they have not carried out any works that are not cosmetic. He said that everything that has been installed is removable and no damage has been done to anything of heritage value. BZ added that they have created a new kitchen, where there was previously a kitchen, and installed new bar where there was previously a bar.

MESCE said that he is the one who considers entertainment licenses and did not think it would be correct to make any comments in the DPC on heritage licenses. MESCE said that it is absolutely acceptable and correct that heritage issues be raised here but on the actual issuing of heritage licenses, there is a separate process, which would be referred to the Heritage and Antiquities Council, who would advise him. MESCE said that there is a separate process and he just cannot compromise his position on that.

The Chairman said that the main planning issue is the effect on the external appearance of the building, which is the thatched roof area, which has now been partly removed but not the frame on top of the pergola. He also said the side panels are not considered to be in keeping and the matting on the glazed frontage, which is not considered to be in keeping. The Chairman said that the recommendation was that those should be removed from the proposal and to possibly apply a vinyl to the glazing to screen the sound insulation material which has been placed against the glazing on the inside, but CV has raised issues about that. The Chairman added that it would be a matter for the applicant to come up with an acceptable alternative. The Chairman said that the recommendation was to approve the application subject to the applicant addressing those points and submitting revised plans to reflect the fact that they have addressed them correctly.

MESCE said that considering all the comments that have been made, he would be more comfortable if the application was deferred rather than an automatic approval.

The Chairman explained that the applicant would need to address those points and submit revised plans, and then those revised plans would be considered by the Commission. The Chairman said that he would be happy to do that if members agreed.

MHEYS said that he could not understand how the TPD cannot consider that this needs a heritage license as the DPC is looking at the heritage value of the place, together with all the aspects of it in a heritage manner and thought that the public should be applying through the heritage license process first.

The Chairman said that they have never done the process that way before as planning has always come first. The Chairman said that the applicant can apply for the heritage license first, if that gives them more confidence that it is more likely to succeed in planning, but they are two separate processes. The Chairman added that they need to remain that way.

The Chairman said that the deferral will allow the applicant to consider whether he is going to take on board these comments or not and then the Commission can make a final decision on whether or not to grant permission. The Chairman said that if permission is not granted, the applicant has to remove what has been put up without permission.

The application was deferred.

455/22 – F/18485/22G – Devils Tower Road (South) to South Pavilion Road -- Proposed Eastside Sewage Transfer Scheme.

CK explained that this is a HMGOG project for the East Side sewage transfer scheme. He said it is an essential infrastructure project that is required to manage sewage in the Eastside area as a result of extensive developments that are taking place in this part of Gibraltar.

The project comprises the installation of two rising mains, a northern one and a southern one, which is connected through Admiralty tunnel. CK said that the rising mains will be installed from the existing rising mains that are part of the Aerial Farm project. He said that the northern main runs below ground down to Devils Tower Road and onto Sir Herbert Miles Road, Catalan Bay and Sandy Bay, then enters the tunnel system, then through the eastern portal of the Admiralty east west tunnel and runs above ground until it leaves the tunnel network at South Jumpers. CK continued to explain that the main enters an adit adjacent to the tunnel, passes along the walls of the adit and rises vertically up the shaft beneath the pensioner's recreational area on Rosia Road. He said that once on Rosia Road, the southern mains follow the road south, underground to the Royal Gibraltar Police headquarters, then the mains turn through 90 degrees and heads East up Transport Road. CK said that at the junction with South Pavilion Road the mains continue rising and turns northeast, a short distance along South Pavilion Road terminating at a new manhole. From the new manhole, flows discharge in to a gravity sewer to be laid down South Pavilion road to a new drop shaft manhole constructed over the trunk sewer at the southernmost bus stop on South Pavilion Road.

CK said that the applicant has confirmed that traffic management plans will be submitted for each stretch of works that are done and that no additional structures are anticipated to be structurally affected by the works. CK also said that access will be maintained to all residential and commercial units and access to public beaches in the bathing season will be maintained. He added that the applicant has confirmed that there will not be more than 50 metres of continuous open excavated trenches at one time and the traffic management plans will be submitted to highways for approval prior to each stretch of works taking place.

CK said that in terms of the consultee's comments, the DOE have confirmed they have no objections, however, they have confirmed that any associated dewatering works as a result of trench excavation will require a discharge permit issued by the DOE in the event that any groundwater needs to be removed.

The Ministry for Heritage has confirmed that they do not have any objections but they note that the proposed works encompass extensive areas where excavations are required for the trenches, and that if any new trenches are required they will require the presence of a representative for the Ministry for Heritage to safeguard any archaeological find and they would require an archaeological watching brief.

The Ministry of Transport have confirmed that they require details of all proposed road closures and diversions to be submitted to them, and the highways section from the TSD for each of the phases of development. They also strongly recommend a full road lane resurfacing to the entire stretch of the project once the works are complete.

The TSD have confirmed that they have no objections, and that the applicant is to liaise closely with the highway section of TSD regarding the planning of excavations.

CK said that in terms of the TPD's assessment, they know that this is an essential infrastructure project and they welcome it and it does not raise any specific planning issues. CK acknowledged that the applicant will need to liaise closely with highways and the Ministry

of Heritage regarding the traffic management plans that will need to be submitted and archaeological watching brief respectively.

CK said that the TPD recommends the application is approved subject to the conditions regarding the transport and traffic management plans to be submitted for approval prior to works on each phase and also the requirement for an archaeological watching brief throughout the whole project.

JH said that they welcome the necessary infrastructure. JH said that clearly the logistics will have been studied for a very long time by very well informed people but was just wondering about the decisions dictating the need to send the infrastructure the way that it is. JH pointed out the Rosia Road area and Cumberland Road area is a very busy area and thought that it is going to create potential difficulties for people moving in the area.

HM said that this was designed back in 2008 when the first Eastside Development was considered and the decision on routing these mains was not taken lightly.

HM said that the obvious route is always down the side of Dudley Ward, if you are looking at it from purely minimizing disruption perspective, but what you need to take into account is that there are engineering difficulties in pumping water or fluid up steep hills, and if you consider how high the top of Dudley Ward tunnel is, that is one of the major difficulties that precluded going up Dudley Ward tunnel and down the other end. HM said that as for the discharge point, it is important to consider what has been done here is like a parallel Main Sewer equivalent to what we have on the western side of Gibraltar and the discharge point at Rosia Parade is where the main sewer has the capacity to take the effluent that will come from the site, and it is designed to 10,000 population equivalent from a design parameter aspect.

HM added there have been extensive reports and assessments carried out by engineering consultants over the years.

IB asked whether there was a particular reason why the pipes will not be buried in the tunnel. IB pointed out that there is a reduction of the width of the tunnel from 2.2 metres to 1.8. and said that he was looking at the future use of the tunnel. IB believed that the tunnel could become a transit area in the future to move people from east to west, or vice versa.

The Chairman explained that the reasons would be related to the cost and the access to the pipes themselves. He said that if there is a failure anywhere, it is obviously easier to access an exposed pipe than having to excavate. The Chairman noted the point about future use of the tunnel and invited to HM to also provide his comments.

HM said that it is more convenient to travel above ground because it is quicker than having to break out the solid rock for 1.6 kilometers, which is the length of the tunnel. HM confirmed that it was a combination of costs and just minimizing the disruption because the tunnel is still used.

The Chairman moved to approve the application unanimously. There were no objections.

The Chairman said that the application was unanimously approved with the conditions that were recommended by the TPD in relation to, in particular traffic management and the archaeological watching brief wherever excavations take place.

JH asked when the project might commence and also asked about the duration of the project.

HM said that the works will take two years and will be done in phases as stated. HM said that the tenders should be published first week in January and as soon as the award process is concluded, the idea is to start straightaway. HM said that it will need to be assessed and that key consideration is what the contractors will submit with their programming and traffic management ideas.

Minor and Other Works– not within scope of delegated powers

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

456/22 – F/18165/22 – 69-70 Catalan Village -- Proposed construction of three storey residential building with terrace and general refurbishment of existing cottage.

MESCE asked to take a look at the application which was recommended for approval.

The Chairman said that this was an application that was granted permission previously and now expired. . They are re-applying with this very slightly amended scheme with a reduction in height.

CK said that it was the refurbishment of the cottage to the front and the building of small apartments to the rear. CK explained that they have removed the stair core at the top and replaced it with an access hatch. He said that they have removed the windows which could be encroaching with the adjoining site and also removed the previously approved extension at the rear. CK said that there were basement stores that were removed and they have just changed the fenestration on the rear elevation including the installation of Juliet balconies by the windows.

MESCE was satisfied that the cottage is being restored.

The application was approved.

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

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

457/22 – F/18068/22G – Central Hall, 11 North Pavilion Road -- Proposed single storey storage shed

GoG Project

458/22 – 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.

Consideration of revised plans to convert window to door on top floor balcony.

459/22 – F/18240/22G – Royal Gibraltar Regiment Association, 122 Irish Town -- Proposed refurbishment works to property, including installation of a new roof to the rear patio area, creation of level access by means of an internal ramp, together with a complete new services installation.

GoG Project

460/22 – F/18280/22 – 3 North Mole Road -- Proposed installation of 4G antenna and equipment.

461/22 – F/18292/22 – AquaGib, Catchments, East Side -- Proposed installation of 4G antenna and equipment.

462/22 – F/18295/22 – Spur Battery -- Proposed installation of 4G antenna and equipment.

463/22 – F/18296/22 – BFBS Tower, Oyster Cottage within Four Corners -- Proposed installation of 4G antenna and equipment.

464/22 – F/18297/22 – Shrine of Our Lady of Europe -- Proposed installation of 4G antenna and equipment.

465/22 – F/18298/22 – Rosbay Court, Naval Hospital Road -- Proposed installation of 4G antenna and equipment.

466/22 – F/18300/22 – Multi Storey Car Park, Devil's Tower Road -- Proposed installation of 4G antenna and equipment.

467/22 – F/18301/22 – Princess Anne's Battery -- Proposed installation of 4G antenna and equipment.

468/22 – F/18304/22 – GRA Freeview -- Proposed installation of 4G antenna and equipment.

469/22 – F/18415/22 – 17 Prince Edward's Road -- Proposed single storey residential extension over existing building.

470/22 – F/18447/22 – Grand Casemates Barracks -- Proposed extension of rear patio area, demolish existing staircase, relocate the existing generator and external HVAC units and construction of storage shed.

471/22 – F/18463/22 – Unit 5, The Boardwalk, Trade Winds -- Proposed extension of cafe into adjacent laundry unit.

472/22 – MA/18337/22 – Flat 5 Phillimore House, Buena Vista Estate -- Proposed minor alterations to residence and garage works.

Consideration of proposed Minor Amendments including:

- *installation of new window to north-east corner of the building*

473/22 – MA/18452/22 – House 3, The Arches -- Proposed single storey extension to dwelling with new stairs and lift and ancillary works.

Consideration of proposed Minor Amendments including:

- *part of the top terrace to be covered over to provide a roof deck for solar panels.*

474/22 – MA/18481/22 – Europa Business Centre and Old Power Station, Chimney Corner, Dockyard -- Proposed refurbishment of three areas of the dockyard for use as workshops and storage.

Consideration of proposed Minor Amendments including:

- *increase of the three height between slabs;*
- *extension of slab area at mezzanine level in AADS Building;*
- *incorporation of a new staircore;*
- *removal of the double height in the entrance area;*
- *incorporation of a plant room on ground floor and a chimney;*
- *ventilation chimneys through the roof now added as well as paint booth ventilation;*
- *general layout re-arranged in PFC building;*
- *floor area increased due to new offices floor proposal;*
- *annex building now fully maintained keeping first floor level shape cantilever; and*
- *three of the existing openings located in the external wall to be reused for windows.*

475/22 – Any Other Business

MESCE had comments on some of the subcommittee items.

MESCE said that a number of 4G antennas have been tasked to subcommittee and he just wanted to make a couple of points.

MESCE had concerns about cables and cabling, and visibility of them. MESCE also stated that the antennas that are on Government land, require landlord's permission, and it cannot be assumed that it will be given automatically because it has got subcommittee approval. He added that some of them are either on heritage sites or within the nature reserve and once again, they would need a separate licensing process. MESCE said that he was not aware that they have received any requests for either heritage or nature reserve licenses and they would be required. MESCE said that it does not imply necessarily that, if the Government is the head lessor that permission would be granted because there is still a process to go through in relation to these antennas.

JH said that they were consulted quite heavily on this by the applicants and also by the TPD. She said that there were a few that were flagged up as being of concern, not meeting the 100 metre, precautionary distance that they have been advocating. JH said that they were satisfied that the applicants were being very rigorous in complying with the precautionary principle and meeting the distances and bypassing potential effects on people. JH said that given the prominent position of some of the masts, particularly up the rock, and in other areas, that visuals needed to be supplied to ensure that the full impacts could also be appreciated. JH added that she did not know whether the visuals had been submitted or sought from the applicants.

MESCE said that those considerations would be relevant in the issuing or not issuing of the license under the Nature Protection Act.

The Chairman said the TPD has made clear to the applicants what the requirements are, which are over and above the planning process, so they are aware of them and they presumably would be applying to the respective authorities for those additional permissions.

The Chairman said that in relation to placing antennas on Government buildings, and private buildings, they are very aware that they need the landlord's consent, whether it is Government or private. The Chairman said that the applicants are not submitting applications until they have sorted out the landlord issues.

JH asked the Chairman about the visuals.

The Chairman was not sure whether additional visuals had been supplied and informed JH that the TPD would double check and would get in contact with the information.

JH said that they also needed to ensure that they removed unnecessary old equipment to tidy up areas

The Chairman confirmed that this particular operator is keen to do that, but the issue here is that the DPC cannot impose that as a condition because it may well be beyond the applicant's control as they cannot remove someone else's equipment.

JH said that the Gibraltar Regulatory Authority (GRA), who issued the licenses would know if the licenses are no longer active and whether that equipment is no longer active. JH said that it should be in tandem with the license, once it is up, then that equipment should go and maybe the GRA can support this move.

The Chairman confirmed that the TPD would speak to the GRA specifically on those points.

JH raised some points relating to last meetings:

JH asked about an application at Eastern Beach car park, which had gone through planning, and the applicants, Gibtelecom, were directed to put a sign up and demarcate an area on the ground, stopping people from loitering in the area. JH asked the TPD to pursue Gibtelecom about installing the sign.

JH also raised a question about the vegetation removal at the Gorge. JH said that at the time, she was told by the TPD that a check would be done to make sure that they were sticking to the footprint that they had been told to.

CK said that had organized a meeting with the applicant but unfortunately had to reschedule. CK confirmed that he was in the process of re-arranging.

The Chairman said that the TPD will chase up on both of those points.

There were no further comments.

Chris Key

Secretary to the

Development and Planning Commission