

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 7<sup>th</sup> Meeting of 2015 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 30<sup>th</sup> June 2015 at 09.30 am.

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- Present:**
- Mr P Origo (Chairman)  
*(Town Planner)*
  
  - The Hon Dr J Garcia (DCM)  
*(Deputy Chief Minister)*
  
  - The Hon Dr J Cortes (MEH)  
*(Minister for Environment & Health)*
  
  - Mr H Montado  
*(Chief Technical Officer)*
  
  - Mr G Matto (GM)  
*(Technical Services Department)*
  
  - Mrs C Montado (CAM)  
*(Gibraltar Heritage Trust)*
  
  - Dr K Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*
  
  - Mr C Russo (CR)  
*(Land Property Services Ltd)*
  
  - Mr C Viagas (CV)  
*(Heritage & Cultural Agency)*
  
  - Mrs J Howitt (JH)  
*(Environmental Safety Group)*
  
  - Mr W Gavito  
*(Rep Commander British Forces, Gibraltar)*
- In Attendance:**
- Mr P Naughton-Rumbo  
*(Deputy Town Planner)*
  
  - Miriam Brittenden  
*(Minute Secretary)*
- Apologies:**
- Mr J Collado  
*(Land Property Services Ltd)*
  
  - Jon Mason  
*(Rep Commander British Forces, Gibraltar)*

## **Approval of Minutes**

### **348/15 - Approval of Minutes of the 6<sup>th</sup> meeting of 2015 held on 9<sup>th</sup> June 2015**

The Commission approved the Minutes of the 6<sup>th</sup> meeting held on 9<sup>th</sup> June 2015.

## **Matters Arising**

### **349/15 - BA12853 - 10-14 John Mackintosh Square. Revisions to front façade of building to provide sash windows, fixed open shutters and external blinds. (referred by Sub-committee)**

DTP told the Commission that the proposal was to change the windows, and to introduce external “hella” blinds. He mentioned that the Applicant had submitted a revised plan and DTP confirmed that the Subcommittee recommended that the Commission did not approve the use of the proposed external blinds as they were not considered to be in-keeping with the character and appearance of the building or area. The Applicant could always introduce internal blinds if required.

The Commission refused the revised proposal for the external blinds on the grounds that it was not in keeping with the current traditional character of buildings in the Old Town. Approval was given to the sash windows.

### **350/15 - BA13198 - 9/7 Naval Hospital Hill - Request to consider re-aligned external staircase and repositioning of pool revised plans.**

DTP reported that the original application proposal was to extend the dwellings at first floor and ground floor level; construct a new swimming pool and associated external works. DTP said that the Commission had expressed reservations on the removal of the existing green area above the property. A revised scheme took on board the comments made by the Commission. The Commission approved a revised application in November 2014 which excluded the proposed new pool.

The Applicant had now submitted a revised proposal involving a redesigned staircase to Europa Road and a new pool to be located partly over the existing retaining walls.

The Commission welcomed the applicant’s representative Mr Carlos Oubiña (Architect for the Applicant) who addressed the Commission stating that his client was proposing two main revisions:

- Realignment of the external staircase that connects the plot to Europa Road. This staircase had previously been approved, but they now wish to improve its design, cut costs, avoiding large excavations and thereby preserving more green areas; and
- Construction of a pool at the upper level adjacent to a gravel area. The new pool location would not affect the removal or relocation of any trees. The pool would now be located in an 11 sq m corner area on the grounds of the first terrace. No green areas would be removed and excavations would avoid interference with the historical wall.

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The Chairman recommended approval of the new scheme.

JH requested that the applicant is to retain as much green area as possible and that the historical wall should remain untouched.

No further comments were made by the Commission. The Commission approved this application subject to its recommendations being adhered to.

**351/15 - BA13311 - 1 Cheshire Ramp, Buena Vista Estate - Proposed extension and new swimming pool**

DTP told the Commission that this application was approved in November 2014 but that the applicant now reverted with a revised proposal for an extension to create a front porch to the existing dwelling. He said that the reason to create a front porch was to protect the area from the wind. DTP said that the proposal was originally to build the extension right up to the boundary wall but that following discussions with the Town Planners and the Ministry of Heritage, the Applicant had now amended the proposal and the extension was now not actually on the wall but set back indicated on plan with the glazed section. DTP said that the proposal also included the replacement of the existing mixed timber and steel balustrading, which are in a bad condition, with clear glass balustrading.

The Commission welcomed Mr. Fitzgerald (the Applicant) to address the Commission. Mr. Fitzgerald thanked and welcomed the Commission's comments and suggestions. He confirmed that the designer (not present) had amended the design and the extension proposal was now detached from the historical wall.

He also commented that as regards to the balustrades, these were replaced by Serco (the MOD maintenance company) only three years ago and he believed them to have no historical value. He requested they be replaced by glass ones as these would also shelter the pool from the wind. He also pointed out that he had a 146 year lease and would like to make the most of his property.

CAM added that she had attended a site meeting with Mr. Fitzgerald as agreed at the last DPC meeting and confirmed that the extension was now proposed away from the historical wall. CAM also commented that the proposal for the new verandah might be too heavy and raised concerns for the historical wall's resistance and the possibility that the modifications would cover wall features. CAM did not agree with the changes to the proposed balustrades on the grounds that it affected the historical integrity of the building.

CAM suggested that the applicant consider having a small pitched roof on the extended level to cover the entrance. She reiterated her objections to the removal of the balustrade that were in keeping with the characteristics of the area. These should be repaired and restored and glass installed in the inner side of the balustrades.

The Chairman commented on the submission and requested the Commission to approve the revised plans, subject to the existing balustrades being kept and restored but that the proposed glazing could be placed behind the existing balustrade.

The Commission approved the proposal with such conditions.

**352/15 – BA13356 – Unit Eaton Park – Retrospective application for changes to perimeter wall, temporary scaffold racks and construction of a structure comprising a rest room and changing area (Revised plans)**

DTP explained that the proposal for this scheme was to make minor alterations in the yard area to house a new rest room/cubical. DTP informed the Commission that this application was deferred from the last meeting as TSD had raised concerns with regards to the safety of the area and that a geotechnical study was to be undertaken by the applicant and any cliff stabilisation works to be carried out before approval of the proposed works to the area.

In the absence of submission of the Geotechnical Survey the Commission was minded to refuse the application. The Town Planner was required to inform the Applicant accordingly before the final decision is taken.

**353/15 – BA13424 – 15 Gardiner’s Road – Proposed Construction of a new lift and ancillary items.**

DTP told the Commission that the revised application was to construct a new passenger lift with a self-supporting steel structure incorporating glass balustrades along the walkways, bridging accesses and the existing balconies of the building. The lift had been relocated northwards so as to serve numbers 13 and 15 Gardiner’s Road rather than the previous application which was serving 15 and 17 Gardiner’s Road. He explained the structure was sited in an area that was currently used for parking and that the applicant was proposing to rationalize the existing parking spaces so that 6 spaces were retained albeit with bays of reduced width of just 2.25m. He pointed out that the Regulations require a minimum width of 2.4m. The lift would now serve 5 apartments.

One objection had been received from a resident of 15/1 Gardiners Road who had requested to address the Commission. The Commission welcomed Mr Quigley.

Mr. Quigley stated that the lift structure would block the views of the Bay, loss of the garden and terraced area that belongs to their property and loss of a parking space. Additionally, the lift would have substantial effect on their privacy and noise which would be detrimental to them.

The Chairman mentioned that the proposal was still subject to landlord’s consent and stated that there are no rights to views under local town planning legislation.

DCM asked Mr. Quigley how many parking spaces were allocated to each neighbour. Mr. Quigley stated that they had two. He had no problem if the parking spaces were relocated elsewhere.

MEH asked if the management company had any reservations or restrictions.

CR confirmed that under the terms of their lease, each property was entitled to one parking space.

The Commission thanked Mr Quigley.

Jonas Stahl, the Architect for the Applicant addressed the Commission and stated that there was no other alternative area where to construct the lift. His clients were willing to sacrifice one parking space in order to build the lift given that the lease entitled only one parking per residence.

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The lift was proposed in front of a large tree that would remain in situ and which obstructs views anyway so the objector would not be any worse affected. The lift would also be located as far back as possible so as not to affect adjacent neighbours.

The Commission thanked Mr Stahl.

DTP reported that LPS had objected on the basis that the lift obstructed the pavement. The DOE had commented that standard conditions would be required on control of dust, and wished to encourage the use of zero energy lifts.

DTP summarised the issues as being that the lift was not in-keeping with the character of the area, would be an incongruous feature in the streetscape and would set a precedent for similar proposals in the area that would cumulatively have a negative impact on the streetscape. ,

MEH & DCM requested to meet with the architect on site to view the site to assess the access issues and requested to see the views from the objecting property. DTP stated that views are not protected under planning law. JH enquired whether there were any regulations on privacy. DTP stated that there are no regulations on privacy but that it was a matter of judgement for the Commission. The objector's windows on the lower floors of the property were bedrooms and no windows faced the proposed lift structure. MEH suggested that the landlord and architect meet and attempt to resolve this problem.

The Chairman didn't feel that another site meeting was necessary as the site was well known. He recommended that due to differences of opinions a vote should be taken in the light of the discussion.

The Commission took a vote on this application with the following result:

9 against

2 abstentions

The proposal was refused by the Commission.

**354/15 – BA13495 Outline – 8 Willis's Road 'Sunnybrae' – Proposed additional storey and internal alterations (Revised Plans)**

DTP told the Commission that the proposal was to renovate and improve the building. He said that the applicant was originally proposing to combine 2 properties to create 3 flats with a sun roof but that as a result of objections, they have removed one storey and are now only proposing to construct one extra storey to have 2 apartments and a roof terrace. DTP said that vehicular access would be off Willis's Road although the current pedestrian access via Castle Steps is being retained. He also said the proposal included internal alterations, the installation of a new lift and new windows throughout.

The Commission was reminded of the objections by the only objector, Mr Stephen Neish, who had stated in writing and at the DPC meeting held on the 20<sup>th</sup> May 2015, that the proposal included the opening of windows looking directly onto his internal patio, which they use for recreational purposes and would affect his privacy and possibly, the value of his property. As a result the application had been deferred to allow the applicant and objector to see if they could agree an acceptable design.

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The applicant had now provided a photomontage of the proposed works deleting the windows overlooking the neighbour's house on the revised plan. The Chairman considered the problem had been resolved and recommended granting approval.

CAM had no objections to the interior alterations but raised issues with the building colour and also some of the architectural elements as it was not in keeping with the old town look, and recommended it should 'blend with the area'. The applicant confirmed that the photomontage was aimed to show the design and not the colour.

The Chairman requested if the DPC was minded to approve the outline application that it be subject to the submissions of accurate details on the photomontage upon submission of the full planning application.

Outline approval was granted unanimously. A full application with accurate details was to be submitted and the architectural style would need to be reviewed so that it better integrated into the surrounding area.

**355/15 – BA13527 Outline – Hindu Temple, Engineer Lane – Proposed Extension**

DTP said that the proposed works formed part of the Hindu Temple complex and comprised a proposed extension on an unused and undeveloped leased part of the site in between the Hindu Temple and other private residential buildings. The proposed extension's only access was through the Hindu Temple itself.

The application had been deferred from the May meeting to allow a site visit with Members to be undertaken. This had been done and as a result the applicant had submitted revised plans.

The revised plans showed a revised roof design incorporating an asymmetrical roof with the eaves lowered to a level just below the sill level of the window in the building to the south, thereby reducing the impact.

KB confirmed that there were no issues of nature/wildlife protection.

The Commission agreed with comments made and approved the proposal unanimously.

**356/15 – BA13545 – 6 Poca Roca - Proposed demolition of existing and construction of new house.**

DTP stated that the application had been deferred from the May meeting to enable the applicant to submit revised plans that would address the Commission's concerns relating to the height of the building, car parking provision and architectural character.

The revised plans removed the previous roof terrace and stair core to reduce the building height. The external spiral staircase had been maintained to provide access to the flat roof. The Commission stipulated that the roof was to be used for maintenance purposes only. DTP reported that the plans show one space within the application site and another space located in a communal area. The requirement is for two spaces to be provided and that these should be within the application site.

DTP confirmed the volume of the proposed extension had been reduced thus complying with the Z9.3 New Dwellings within the Nature Reserve.

JH recommended solar panels to be installed on the roof of the building.

The Commission approved the revised plans with the following conditions: the roof to the proposed dwelling was solely to be used for maintenance purposes and both the parking spaces were to be located within the property.

### **Major Developments**

#### **357/15 - BA13273 (Outline application) - Detached Mole (southern area) - Proposed floating oil storage vessel, steel barges to separate the storage vessel from the Detached Mole and a piping network on the Detached Mole and Bunkering loading locations.**

DTP explained that this proposed development involved the installation of infrastructure associated with the existing bunkering operation.

Refueling would take place from ship to ship and ship to shore. The 'mother vessel' would be resupplied 2/3 times per month.

All elements of the proposed development were fully removable and the proposed works were superficial in nature. They would not alter the structure of the Detached Mole in any way.

DTP reminded the Commission that following the Scoping Opinion the applicant had carried out an Environmental Impact Assessment and had submitted the Environmental Statement and Non-Technical summary, which had been subject to public participation. DTP advised that the applicants had requested to address the Commission.

Mr. F Vasquez QC on behalf of the applicant Vemaoil Ltd. addressed the Commission.

Mr. F Vasquez QC stated that Vemaoil is a reputable company operating in Gibraltar since the 1980's and their proposal intends to improve health and safety of bunkering in Gibraltar waters. Their intention is that there would be no further ship to ship transfers and bunkering activities would now take place in one area. Mr. F Vasquez QC confirmed that the applicant had submitted an Environmental Impact Assessment to the DPC regarding the proposed operation that also consisted of the construction of four pontoons on the Detached Mole. He explained that the new scheme would be safer than existing bunkering activities and that the 'mother vessel' would be secured to the Detached Mole and have the 4 pontoons at 4m distances from each other. He stated that the main load would be stored in the 'mother vessel' and fuel would be delivered by way of pipes to the smaller vessels on berthed on the mole. This system would be a permanent feature and would minimise risk and control spillages.

He confirmed that the supply vessels would be moored at the Detached Mole and would have a 30 metres gap between each other to reduce health and safety risks. This was a new market for Gibraltar; a shore-based delivery was more adaptable to supply vessels using oil from Gibraltar.

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Mr. F Vasquez QC confirmed that Vemaoil Ltd supplies all bunkering from Gibraltar and it is estimated that 65% of movements from the harbour can benefit from this service and in turn, boost the local economy by having Port related improvements. The operation of the proposed facility would be reviewed to keep up with the current regulations.

The Chairman invited questions from members. He asked if the proposed operation would eliminate anchored Gibraltar Harbour/Bay operations. Mr. F Vasquez QC confirmed this and added that the proposal was a safer option given that operations would be conducted from a safer environment as supply vessels would be attached to the Detached Mole.

CR enquired whether the possibility of having the vessel moored on the outside of the Detached Mole had been investigated. Mr. F Vasquez QC responded that the vessels would be more exposed to the elements thereby affecting refueling operations.

The Chairman enquired how long they proposed to proceed with the proposed system of refueling. Mr. F Vasquez QC stated it was a 10 year planned operation.

The Commission did not have any other questions and thanked Mr Vasquez.

JH expressed her disappointment as no verbal representations to the Commission had been made by any objectors.

DTP reported that 63 objections had been received in respect of the original planning application (copies of which had been circulated) with the main areas of concern being increase in noise levels and fumes, impact on quality of life, visual impact on the seascape and insufficient capabilities to tackle fire/explosion. No representations had been received as a result of the public participation in respect of the Environmental Statement.

DTP provided an overview of the findings of the Environmental Statement which overall concluded that there would be no significant impacts. He also reported on the proposed mitigation measures.

DTP summarized the feedback from consultees on the EIA (copies of which had been circulated):

- DOE – to bund the construction and materials and need for sub-tidal survey;
- ESG – consider purpose built land-based plant and the need for a holistic port and harbour plan;
- Gibraltar Heritage Trust – applicant should continue to consult and coordinate with the Trust;
- Ministry for Heritage - scope and specifications of works need to be assessed by the government archaeologist;
- GONHS – insufficient consideration has been given to possibility and significance of an accidental oil spillage and additional emergency spill measures and equipment should be provided at the Detached Mole;
- MOD – require confirmation that there will be no significant impact on MOD facilities and inclusion of a condition referring to Government of Gibraltar’s commitment that nothing will be allowed that would impact on the MOD’s operational berth license requirements on South Mole.



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- Technical Services Department – pipework would need to be fully ‘water compatible’.

DTP summarized the main planning policies applicable and concluded with a list of recommended conditions.

JH expressed reservations on the application’s location stating that despite the existence of this industry in Gibraltar, the location would have a negative impact on the surrounding residences. JH also stated that this proposal was not the best idea but understood that regional pressures required these activities to be sited within Gibraltar’s harbour. JH also referred to the 63 private objections received from residents of the surrounding residential areas and regretted that none had been present at the DPC meeting.

JH added that there were environmental issues to be addressed and proposed the HMGoG research the best suited area to house the ‘mother vessel’ given that the proposed location was very near residential areas. She stated that the impact would be detrimental to residents in the vicinity, but could also affect residents as far back as Flat Bastion Road. JH stated that over the past weekend they had received complaints from the smell of bunkering operations in the Bay. JH strongly proposed that there should be a holistic review and suggested that the Bunkering Code should be made public and asked HMGoG to make this document accessible to the public.

MHE stated that he was unsure whether the Bunkering Code could be downloaded online but he would ensure it was made available to the public.

In respect of the complaints received insofar as bunkering activities on the early hours of the previous Sunday morning DTP informed the Commission that the Port Authority confirmed that no bunkering operations had taken place in the area of the Detached Mole at that time. He also stated for the record that there had been 1 complaint, not multiple complaints.

The Chairman invited further comments from the Commission.

MEH stated that he preferred land-based bunkering, whether from the Detached Mole or other area in Gibraltar waters, rather than the current sea-based operations. KB concurred preferring the new arrangements proposed and believed that with a land-based bunkering operations, there would be more control to stop and contain spills. He added that he would rather not have these operations in the Bay, but had to agree that this proposal was better than the current activities in place in Gibraltar.

MEH proposed that before the end of the lease HMGoG should consider an alternative and safer option for bunkering operations.

JH highlighted the importance of holistic planning, and that without this, the proposal should not be given the go-ahead. The Commission should also take into consideration the peoples’ concerns with bunkering operations.

DCM & MEH concurred with JH’s concerns but argued that bunkering was currently done at sea and that a land based system was safer than the current practices.

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The Chairman agreed that potential odour and noise pollution during refueling operations should be controlled. A plan of action should also be in place in the event of any accident or emergency.

Mr Spyros on behalf of the applicant asked to address the Commission. The Chairman asked him whether they could guarantee the elimination of the odours emanating from these operations in the Port and whether the 'mother vessel' would house a permanent boom system.

He guaranteed that there would be a boom deployment before the start of every single operation. He stated that they could assure the Commission that the smells emanate from the cargo ships and not the oil bunkering, stating that the oil used in bunkering is odourless. He added that the new proposed refueling system would have a Vapour Control System and a fuel and air exchange system. The bunkering process did not require venting as fuel was delivered; the air was filled in the emptying vessel. He also added that the Port Authority closely monitored when bunkering takes place and stated that bunkering operations in Gibraltar are one of the highest regulated jurisdictions.

DTP reported that the Port Authority had emphasized the importance of this proposal to the Port and supported the proposal.

Mr Spyros added that Regulations have been applied as per January 2015 legislation.

CR stated that the report did not envisage an increase to the current bunkering services of two to four vessels per day and no increase in vessel passage in the area.

Mr Spyros expressed that they would wish to increase bunkering services in Gibraltar and market the price of oil and better bunkering facilities. The proposed bunkering operation would improve bunkering services.

JH stated that larger oil storage would encourage more bunkering and the applicants might then apply for a second storage barge. She encouraged objections from citizens as these operations were more likely to increase. She strongly proposed the relocation to another more suitable area for these operations to take place.

The Chairman proposed the Commission take a vote and recommended approval of the scheme in principle.

The Commission took a vote on this application with the following result:

5 in favour

1 against

5 abstentions

The application was approved in principle subject to conditions.

MEH added that all conditions in permits should be reflected in the official approval.

The Chairman proposed a break at 11.15 and the DPC reconvened at 11.40.

**358/15 – BA13637 – Police Barrack – Full planning application. Proposed refurbishment and re-conditioning of Ex Police Barrack Residential Historic Building Complex with part demolition and extension to house new residential units and public open areas.**

DTP summarised that this was the full application for the proposed redevelopment of the ex-Old Police Barrack complex at Castle Road. He summarised the outline planning application BA13316 conditions as follows:

1. Appropriate provisions to be made for refuse storage and collection;
2. All 41 dwellings to have allocated parking;
3. The applicant should submit details of the proposed colour scheme and provide details and samples of all external finishes. The design to retain facades, remodeling interiors and rebuilding of existing walkways;
4. Proposed hard and soft landscaping schemes;
5. No externally mounted air conditioning units to be fitted on to the facades;
6. Roof design should make provision for nest sites for swifts;
7. Submission of the Environmental Management Plan;
8. The developer should afford access at reasonable times on commencement of the excavation to any archaeologist nominated by the Ministry of Heritage and/or representative of the Heritage Division, and to allow them to observe excavations and record items of interest; and
9. The proposed development to be designed throughout to provide facilities and easy access for persons with mobility difficulties.

The Chairman welcomed comments by the DPC Members on the submitted full planning application:

CAM emphasised the importance of having an archeological study on the proposed site. She reiterated their strong objections to the proposed demolition of the E Block fronting Castle Road.

MEH requested energy efficiency performance certificates and highlighted the need to provide nest sites for swifts under the arches, stating this to be a condition on the outline planning permit.

The Chairman welcomed the applicant's structural engineer, Mr J Sisarello to address the Commission.

Mr. Sisarello confirmed amendments to the original application to meet the requirements imposed in the outline application.

MEH asked Mr. Sisarello if they had introduced renewable energy measures. Mr. Sisarello stated they would be installing wall and roof insulation to all buildings, solar panels, a low electricity consumption lift and rain water harvesting under Building E.

JH enquired on how they would be approaching the problem of the cars parked on the road and whether the playground will be accessible to the public.

Mr Sisarello confirmed that his clients had decided to move the proposed location of the playground to the main podium and make the playground accessible to the public. As regards to the issue of the four parking spaces on the roadside, he stated that due to the requirements of the

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retaining wall beneath the road, they could not go as far back as expected in the garage area layouts and, therefore, had to remove four parking spaces from the garage and relocate these on the roadside alongside the podium.

The Chairman stated that this was not the ideal location for four parking spaces and also commented that there was no provision for loading and unloading for deliveries to the catering unit. He also referred to the proposed access to the public area throughout the open spaces, which should be suitable for pram/disabled accessibility. The Chairman suggested they ought to re-design, for example by having suspended ramp parallel to the road thereby allowing continuous disabled access without staircases. He also enquired whether the nuisance neighbourhood disturbance emanating from the cafeteria podium had been considered.

Mr. Sisarello said that some of the parking had to be located in the central section of the podium and the parking area at road level would be segregated with railings. As regards to the public access to the different public spaces and podium he would consider modifying the design to include disabled access.

The Commission agreed with comments made and approved the proposal with the standard conditions. The revised car parking at podium level along the roadside shall need separate approval from the highway authorities before a decision may be taken on this proposal as the submission were still quite conceptual.

The Commission requested that the Applicant submit revised plans incorporating the comments raised for the Subcommittee's consideration and that these would then be recorded at a subsequent DPC meeting.

### **Other Developments**

#### **359/15 - BA11259 - BA 11259 1-7, Crutchett's Ramp. 5, 7, Main Street. (1): Revised alterations to the landscaping at Casemates Square**

DTP advised that a revision to the existing permission for this application had been received. The Commission received one objection from Burger King and another from an adjoining resident of the area.

Mr J Ramagge, the applicant, addressed the Commission. He requested, on behalf of his client, to obtain permission to remove two of the Ficus trees located at the centre of the existing landscaped area to allow a clear view of the new shopfront. He also requested to propose the concentration of Burger King tables and chairs to their side of this part of the Square.

Mr. Ramagge said that the proposed improvements involved removing and relocating 2 Ficus trees out of the five existing trees and pruning the remaining trees to clear up the air space of this part of the Square. He also requested to replace the 2 Ficus trees with 4 other Liquidambar trees. Mr. Ramagge alleged that the shaded area by the existing trees attracted anti-social behavior given that the area was generally too dark. The Applicant proposed to finance the relocation and replanting of the removed trees. Mr. Ramagge conveyed that he had committed significant investment in the area and wished to finish off its appearance as best as possible.

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The Commission received the objector to the revised application proposal, Mr C Sanguinetti (owner of Burger King, Gibraltar). He began by stating that Burger King had an approved table and chairs permit in the area and did not agree with the relocation of the existing trees that were planted by them 20 years ago. He further added that these trees provided shade to their tables and chairs in the area and did not agree with the statement of anti-social behavior given by Mr Ramagge. Mr Sanguinetti agreed though with the pruning, as long as it provided shade for their customers.

The Chairman asked Mr Ramagge to clarify what the issue was with the new entrance to the building and how it would improve the view of the building at ground level as no shop front details had been submitted yet.

Mr. Ramagge said that by removing the trees, the retail unit would be more visible, which would generate employment opportunities. He also commented on the flies in the area attracted by the existing trees.

KB did not agree with the removal of the existing trees and stated that the trees should be pruned accordingly given they could easily be shaped. They also requested an assessment of nesting of birds in the trees.

CV enquired whether existing tree roots would spoil the buildings infrastructure in any way. DTP said that there was no evidence of this.

DTP added that the application did not state whether the entrance to the building would accommodate a retail shop or cafeteria and the option was left open as and when the Applicant submitted its final plans as revision of the application. The approved application did not include the removal of any trees in the area.

The Commission took a vote on this application with the following result:

1 in favor  
5 against  
5 abstentions

The proposed removal of the trees was refused. The Chairman proposed approval for the pruning of the Ficus trees that was accepted.

**360/15 - BA13166 - Ammunition Jetty, Dudley Ward Way - Proposed 0.5 mw pilot project for wave energy device (revised plans) Government application**

DTP confirmed that this application followed the outline approval of the DPC Meeting of 24th July 2014. He said that the DPC had received the revised scheme following representations received at the outline stage and further analysis of the site post outline permission. A plan of the jetty showing the exact location of the floaters and the container was presented to the Commission. The plan showed that the proposed size had been reduced and the numbers of containers had decreased from 2 to 1.

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DTP confirmed that the proposed last floater would be 7.6 metres from the entrance to the Tunnel and that all the floaters would occupy 11.4 metres from the side of the jetty. The proposed container would be 11.1 metres away from the entrance to the tunnel. DTP confirmed that the visual impact of the proposed wave energy power plant had been minimised.

DTP asked the Members whether they had any comments or suggestions.

MEH expressed concern that the proposed scheme was not safe due to its location at the far end of the pier.

CAM were also concerned with the adverse impact for the world heritage application and suggested that the containers be painted in the same 'Rock face' colour to blend in.

DTP commented that representations had been received from the Gibelec (GE) which stated that the cables ought to be located in ducts attached to the Rock face.

MEH stated that the proposal was a temporary scheme and a bigger plant would be relocated to the east-side reclamation. He also added that the containers and cables would be painted in a colour matching the cliff face.

The Port Authority would be providing buoys to avoid any sea traffic in the area.

The Commission recommended support of this application.

**361/15 – BA13497- 4 Hospital Hill - Proposed extensions and modifications to the existing property.**

DTP informed that this application had been deferred on the 22<sup>nd</sup> April 2015 DPC meeting due to discrepancies regarding the issue of public participation.

DTP identified that the application proposed to remove a ground floor patio at the main entrance to the property along Hospital Hill and a sheltered private motorcycle parking space beneath and proposes an additional second floor storey to the building, comprising a bedroom and bathroom, a south facing terrace, and new windows facing west and south.

DTP added that one objection in respect of the proposal had been received and Mr N Culatto (lawyer from TSN, representing the Objector the developers of the Police Barracks) addressed the Commission.

Mr Culatto stated that his clients were refurbishing the Police Barracks which was of a high historical and heritage value, especially with its feature arches. He confirmed that if the proposed development was approved, it would diminish the iconic view of the Police Barracks from the town and Main Street areas.

Mr Culatto suggested that the Applicant wished to construct an additional floor to the existing dwelling which would lead to an increase in the height of the property, located almost directly in front of the Police Barracks development. He suggested that if the proposed scheme was approved it would obstruct the arches located on the northwest façade of the Development's first

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building and would significantly reduce the historical and heritage value of the Police Barracks site, as well as obliterate the iconic view of the arches from the lower town and Main Street areas. He suggested that the proposed extension would deprive natural light and would block the view, thus reducing the value of the apartments. Mr Culatto suggested that the approval of the proposed extension would also set a precedent for similar applications in the future.

DTP added that the proposed application to construct a new level over the existing building may interrupt an area of Police Barracks' views; but the proposed building was not directly in front as it was at an oblique angle to that of the Police Barracks building. He also added that there were very few positions from which the Police Barracks could be seen and that HMGoG welcomed development in the old town area. The Police Barracks would be minimally affected over a very small area of the development.

The Chairman requested the input of the DPC members.

CAM commented that the Police Barracks was of great historical value and the Gibraltar Development Plan protected the building look but not out from it.

KB questioned the issue of the height restrictions in the upper town area and whether this would set a precedent for other planning applications in the future.

The Chairman stated that the proposed scheme was a single storey extension of 3 metres in height and on-par with other buildings in the area.

The Commission took a vote on this application with the following result:

7 in favour  
0 against  
4 abstentions

The Commission approved this application subject to the external finishes and design of window frames and glazing bars to be installed to be the same as those already existing in the neighborhood and complying with the Development Plan Design Guide.

**362/15 - BA13514 - 4/10 Police Barrack's Lane - Proposed development of 4 townhouses residential units.**

DTP informed the Commission that this proposal was to construct 4 new town houses with a cut-out terrace. DTP added that the proposed development comprised the construction of 4 townhouses, 4 bedrooms' each, over a row of existing 2 storey traditional housing within the Old Town, immediately west of the proposed Old Police Barracks complex. He informed the Commission that the proposed extension also overhung Benoliel's Passage.

DTP added that one objection in respect of the proposal had been received and Mr N Culatto (lawyer from TSN, representing the Objector the developers of the Police Barracks) addressed the Commission. He expressed the strongest objections to this new proposal on the grounds that this development would block natural light, privacy and breathing space as there was a 1.4 metres distance between the buildings. He also added that the proposed development would obscure the

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view of two-thirds of the arches from the Town and the Bay. Furthermore, Mr Culatto added that the proposed building application was contrary to the Gibraltar Development Plan and would set a precedent in the upper town area and would diminish the historical old town area look.

Mr Jonas Stahl the Architect for the Applicant addressed the Commission.

Mr Stahl commented that the nature of the upper town area was very complex and appreciated that even though the streets in the upper town area were very narrow, his client wanted to redevelop a dilapidated building to improve the area. He stated the proposal was at the minimum height and there was the possibility of changing the pitched roof to a flat roof. He added that the proposed building would only be seen from relatively close-by locations or from high vantage points such as roof tops (e.g. Elliot's Hotel terrace).

The Chairman told the Commission that the proposed extension application would affect the Police Barrack's redevelopment in proximity (1.4 metres), would significantly overshadow Police Barracks and did not provide car parking.

The DPC members expressed concern at the limited area of the site and it's over development and massing and suggested that the applicant should review this application to reduce the number of floors. They accepted that the existing elevation of the Police Barracks building was largely obscured from view at street level by existing buildings to the west. Concern was also expressed with regard to the considerable overshadowing to the properties located on the opposite side of Police Barracks Lane.

The Chairman proposed that the applicant should return with a new scheme stating that the Commission supported regeneration of the upper town area and was open to further proposals. The Chairman did not recommend approval.

The Commission unanimously refused this application

**363/15 - BA13579 - 4 Lower Castle Road - Proposed Changes of windows and shutters on east and west elevations/ Relocation of kitchen, bedrooms and sitting rooms/ and new ventilation pipe stack.**

DTP outlined that this application was referred by the Subcommittee to the Commission, because there was no consensus in determining the proposed changes to windows and shutters. He also added that the internal changes that were proposed had been approved at Subcommittee.

DTP said that the applicant proposed to replace the west facing windows and shutters with aluminum shutters, as per other west facing windows and shutters that had already been replaced.

The Chairman was of the view that since the majority of the existing shutters west facing had been replaced already these should be permitted and the Lower Castle Road shutters be replaced in timber to match the upper town character and not in the proposed aluminum.

The Commission took a vote on this application with the following result:

4 in favour (Chairman casted his vote)



3 against  
5 abstentions

The Commission approved this application with aluminum west facing and timber on the eastern elevation.

**364/15 – BA13581 – 7 Rosia Dale - Proposed conversion of existing loft into a bedroom, work station, toilet/shower room and 2 dormer windows**

DTP explained that the proposal sought permission to undertake internal and external alterations to 7 Rosia Dale. There were no planning objections to the internal changes. Planning objections had been raised in respect of the proposed loft conversion as the applicant proposed the introduction of two double dormer windows on both the east elevation and west elevations that would affect the character of the complex. The Commission was informed that previous applications for dormer windows have been rejected on these grounds in favour of skylights and all applications since the first decision had respected the policy.

Since then only skylights have been approved throughout the estate. It was considered that if this scheme was approved it would set a precedent. Whilst most of the proposed dormer windows would only be visible from above from Admiral's Place and from within the estate, should the proposal be approved, there would be dormer windows visible from Rosia Road if these are proposed on the western eaves of the roofs and the character of the estate would be altered.

The Chairman suggested a compromise and recommended that the proposal for the east elevation be allowed and rejected the installation of the dormer on the west elevation.

CR commented that only skylights had been allowed in the past.

The Chairman took LPS's comments on board and recommended refusal of the dormer windows on the grounds that only skylights had been approved in the past. He recommended the applicant submit a skylight application proposal. Such an application proposal would be delegated to the Sub Committee upon receipt.

The Commission unanimously refused this application.

**365/15 – BA13582 – 11 Europa Mews, Europa Road - Proposed alterations and use of the Garage**

DTP said this application was for a change of use from garage to create a downstairs bathroom. He added that concern had been expressed about the loss of a car parking space.

The applicant, Mrs. C Jacobson, addressed the Commission.

Mrs Jacobson explained that her husband who had a permanent walking/mobility disability struggled with stairs and used his upper body to lever himself up and down. She added that by having the washing facilities downstairs it would be very beneficial to improve his quality and enjoyment of life.

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She also added that before purchasing the house she asked their neighbours about the use of their respective garages. Very few of them use this garage for their car and most used the garage for storage. She also added that all the neighbours parked their cars outside in the area in front of the kitchen window and that roadside parking had not caused any problem nor created any congestion. She also added that her house was situated on the corner area, a semi-detached property and as such, her external parking area was double the size of the other terraced houses and could easily fit 2 cars.

DCM asked Mrs Jacobson if the garage door would remain and Mrs Jacobson confirmed that there would be no external changes to the house.

CR added that the Management Company had not refused the proposal.

There were no further comments. The Chairman asked the Commission to take a decision. The Commission unanimously approved this application.

**366/15 – BA13587 Unit 23 Leisure Island, Ocean Village – Proposed application to install a static advertising LED sign (referred by sub-committee)**

DTP advised that the proposal was to install an LED sign above the entrance to the sports bar to provide information on the matches to be shown on TV inside. The Subcommittee had expressed reservations on the proposal on the basis that the look was not consistent with the surrounding area.

Mr Tim Mitchell, representing the Applicant, addressed the Commission. Mr. Mitchell explained that the LED sign would attract potential customers. He also added that there were only two buildings in front of the proposed location of the LED sign and there had been no objections from them.

CR did not disagree with the LED sign and suggested that any future LED light proposals be determined on a case-by-case basis.

The Commission took a vote on this application with the following result:

6 in favor  
1 against  
4 abstention

The Commission approved this application.

**367/15 – BA13591 – 4 Cheshire Ramp – New Swimming Pool and extension at first floor level**

This application was deferred to the next DPC meeting pending more information being compiled regarding unauthorised works that had been carried out on site.

**368/15 – BA13600 – 10 Morello’s Ramp – Full demolition of existing 5 storey building**

DTP advised that the developer had purchased the building which they proposed to demolish and incorporate within the proposals for the new building. He also confirmed that concerns regarding the structural stability of the buildings and grounds of area had also been addressed.

CAM stated that there was no reason why the building should be demolished and could be repaired.

CR confirmed the building was a freehold property.

JH stated that the building was in a bad state of repair due to the excavations made on the site below.

The Chairman suggested that demolition of this building should not be approved until the Commission received the full development proposal and this had been considered by the Commission.

The Commission agreed that the decision on demolition be deferred and a structural engineer be appointed to assess the adjoining buildings/ site’s stability.

**369/15 – BA13611 – Units 21, 23 & 24 Block 6 Watergardens – Proposed change of use into a veterinary and pet shop.**

The Commission considered the proposed business would be beneficial to the public given the existence of only one other local veterinary. The only concern was with parking in the area.

JH asked the Applicants whether there would be kennels on site who responded as they were present at the meeting and confirmed that there would not be any.

The Commission did not have any other issues with this application and granted approval.

**370/15 – BA13612 – First Floor, Ocean Heights – Proposed change of use from stores to offices and refurbishment of premises**

DTP explained that the Applicant was proposing the change of use of four vacant stores into six offices with toilet facilities. The works also included the installation of new partition walls and new aluminum roller shutters to all of the proposed units.

DTP confirmed that two letters of objection had been received, one from the Management Company and the other from the occupiers of the nearest residential apartment. He stated that the Management Company objected on the grounds that the applicant had not been able to produce any documents confirming ownership of the property and that the occupier of the nearest residential property objected on the grounds that they considered the proposal would result in an increase in noise.

The Chairman commented that whilst noise was planning consideration, ownership of the unit was not. DTP informed the Commission that from a planning perspective the principle of converting

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the stores to offices was acceptable and would make positive use of under-utilised space. The only concern from a design point of view was the proposed aluminum shutters.

CR confirmed that the applicant was not the owner of the stores and that the Management Company should carry out any structural works.

The Committee assessed the proposal and agreed that there would be no increase in noise nuisance that would justify refusing the application and approved the scheme with the condition that the proposed roller blinds are installed internally and uniform aluminum frameworks to suit the character of the building be used.

**371/15 - BA13615 - 23 Castle Road - Proposed extension and alterations to premises (objector to address the commission)**

DTP explained that this application sought permission to undertake the partial re-development and refurbishment of the existing building.

DTP confirmed that one letter of objection had been received from the owners of the adjacent property and that the objection related to issues relating to shared party walls and services.

Mr. R Chichon (the Objector) addressed the Commission stating that he had been a resident at the said address for 30 years and had always maintained the building. His concern was that the proposed development would encroach against the exterior of his property. He also raised concerns regarding that there are water and electricity pipes running through the wall proposed to be demolished. He also raised the issue of loss of privacy given the proposed windows would overlook his private patio.

CR wished to check the encroachment issue and proposed to defer this application for the next DPC meeting.

CV advised the objector to speak to the neighbour and attempt to resolve the issue amicably.

The Chairman stated that the issues raised by Mr Chichon were not planning issues but instead landlords' concerns. Mr Chichon asked for advice from the Commission on his position and was advised to consult with his lawyers.

The application was deferred so that a Member's site visit could take place.

**372/15 - BA13619 - 2 Rosia Cottages, Rosia Road - Additions and alterations and attic conversion**

DTP advised that the applicant sought approval to create a porch at ground floor level on the north eastern corner of the property, build a small extension to the existing terrace at first floor level, create a terrace over the proposed ground floor porch, undertake an attic conversion and install two single Velux windows on the south facing elevation and one Velux window on the west facing elevation fronting Rosia Road.

DTP advised the Commission that there were no objections to the attic and proposed alterations

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on the rear provided that they matched the buildings in the same area.

CAM commented that the roof and house changes had no uniformity between the houses in the same area.

The Chairman commented that no planning permission had ever been granted by the DPC for any Velux (skylights) or dormer windows on the west facing eaves along Rosia Road on the basis of maintaining the original architectural integrity of the roofs for the four cottages. Rear extensions to 1 & 2 Rosia Cottages and other alterations and additions to the rear of the property had been approved in other applications.

The Commission approved the application with the exception of the installation of the Velux window on the west facing elevation fronting Rosia Road.

**373/15 – BA13627 – 1 Rosia Cottages, Rosia Road – Proposed construction of additional en-suite bathroom**

DTP explained that the proposed application sought authority to build a small extension at first floor level to the rear of the building, facing Rosia Road, to enable the provision of an en-suite bathroom.

He added that although the rear of the property was a more modern addition, the proposed extension would be more sympathetic with respect to the character of the building. The side window would be lost but a small window to the rear of the property would be provided, resulting in no overlooking issues.

The Chairman commented that the proposal complied with DPC requirements and recommended approval.

The Commission approved this application.

**374/15 - Ref - 1196 - Provision of suitable sanitary accommodation in food premises that provide seating**

DCM suggested that the Commission be given more time to assess the proposal and was deferred to the next DPC meeting.

**Minor and other Works**

**375/15 – BA13075 – 6 Armstrong Steps – Proposed internal alterations to create a marionette: Application for relaxation of Building Regulation Rules**

The Commission approved the relaxation of the Building Regulation Rules for this application.

**376/15 – BA13584 – 13/3 Gardiner’s Road – Application to demolish brick structure and construct a new pool in its replacement**

The Commission approved this application.

**377/15 – BA13593 – Four-Corners, Winston Churchill Avenue - Proposed community centre, nursery, swimming pool/changing rooms and sailing club.**

The Commission did not have any issues with this application.

**378/15 – BA13598 – 1-5/5A Naval Hospital Hill – Creation of a Car Parking site off the public Highway (Follow-up from outline permission)**

The Commission did not have any issue with this application subject to compliance with Highways requirements.

**379/15 – BA13599 – 12 Catalan Gardens, Sir Herbert Miles Road – Construction of plunge pool and first floor bedroom extension**

The Commission approved this application.

**380/15 – BA13622 – South Barracks Parade – Modifications to St. Joseph’s parking and entrance to school (GoG Project)**

DTP explained that this was a HMGoG full planning application, with the intention of providing additional parking spaces at South Barracks Parade in order to improve the “drop off zone” for St Joseph’s School. Modification works to the staircase at the entrance to the Schools was necessary.

DTP added that he had no issues with this scheme and recommended approval.

The Commission did not have any issue with this application.

**381/15 – BA13647 - Proposed taxi stand shelter – Casemates Hill (GoG Project)**

DTP presented the Commission with images of the proposed taxi stand shelter location on the public highway at Casemates Square.

The Commission agreed that it would appear that the proposed structure would clearly be a permanent obstruction on Casemates Square, which meant that on parade days and cultural events in the square it would create further aggravate the urban space.

The Commission recommended alternative sites be investigated and alternative less imposing shelters considered.

**382/15 – BA13648 – Winston Churchill Avenue - Proposed taxi stand shelter (GoG Project)**

DTP presented the Commission with images of the proposed taxi stand shelter located on the public highway, with the intention of removing the existing one in the area.

The Commission agreed that the structure would clearly be an obstruction on the public highway and perhaps having narrower side panels or none at all might be recommendable. Other than this, there were no objections to the proposal.

**383/15 - BA13649 - Gibraltar Airport Terminal, British Lines Road - Proposed taxi stand shelter (GoG Project)**

DTP presented the Commission with images of the proposed taxi stand shelter located immediately in front of the main entrance to the airport.

The Commission raised concerns on the ornate design of the shelter that would be in complete contrast to the modern airport in the background. They further commented that the proposed design would not appear appropriate for this location and perhaps an alternative design should also be explored to avoid cluttering up the area. The Commission also felt that the location of the shelter needed to be revisited, with it located at the sides of the building rather than in the middle of the entrance. There is a large pavement where the postbox is that might be appropriate or alternatively further south of the current taxi stand might also be appropriate.

**Applications granted permission by sub-committee under delegated powers (For information only)**

**384/15 - BA10724 - 6 Bayside Road (World Trade Centre) - Consideration of external cladding**

The Commission noted the approval granted by the sub-committee.

**385/15 - BA1198/023/15 - Gibraltar Showdance Championships - Lamppost Banners**

The Commission noted the approval granted by the sub-committee.

**386/15 - BA1198/024/25 - Gibraltar Showdance Championships - Main Street Banners**

The Commission noted the approval granted by the sub-committee.

**387/15 - BA12586 - 4 Ordinance Wharf, Queensway Quay - Request to construct new roof light to stairwell**

The Commission noted the approval granted by the sub-committee.

**388/15 - BA13252 - Unit 1Y&Z Casemates Square - Revisions to incorporate temporary store door**

The Commission noted the approval granted by the sub-committee.

**389/15 - BA13548 - 16 to 20 Castle Street - Revisions to internal layouts of proposed ground and second floors**

The Commission noted the approval granted by the sub-committee.

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**390/15 - BA 13563 - Unit 1, Europa Pass Battery, Europa Road - Minor revisions to internal layout and extended width of external balcony**

The Commission noted the approval granted by the sub-committee.

**391/15 - BA 13565 - Bomb House Lane - Proposed extension on the flat roof above the nursery building - reference requirement for shutters**

The Commission noted the approval granted by the sub-committee.

**392/15 - BA13583 - Governors Cottage, Europa Advance Road - Construction of new door**

The Commission noted the approval granted by the sub-committee.

**393/15 - BA13585 - 13 Town Range - Proposed extension to rear of building**

The Commission noted the approval granted by the sub-committee.

**394/15 - BA13592 - 9 Gavino's Passage - Proposed Terrace.**

The Commission noted the approval granted by the sub-committee.

**395/15 - BA 13594 - GASA, 10 Europort Avenue - Installation of photo voltaic panels**

The Commission noted the approval granted by the sub-committee.

**396/15 - BA13596 - 5E Gardiner's Tower, Gardiners Road - Application to convert mono-pitch roof into terrace with timber pergola and spiral staircase**

The Commission noted the approval granted by the sub-committee.

**397/15 - BA13603 - Suite 942 Europort - Proposed internal alterations**

The Commission noted the approval granted by the sub-committee.

**398/15 - BA13604 - Unit 7, Amaryllis House, Waterport Terraces - Proposed office fit-out**

The Commission noted the approval granted by the sub-committee.

**399/15 - BA13607 - 114/116 Main Street - Proposed mezzanine floor over part of shop premises**

The Commission noted the approval granted by the sub-committee.

**400/15 - BA13608 - 204 Mayflower, Both Worlds - Proposed replacement of window/balcony door into 3 sliding doors**

The Commission noted the approval granted by the sub-committee.



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**401/15 – BA13609 - 86-89 Catalan Bay – Proposed external awnings**

The Commission noted the approval granted by the sub-committee.

**402/15 – BA13610 - 9&10 Mimosa Lodge, Montagu Gardens – Retrospective application to convert two apartments into a single residence**

The Commission noted the approval granted by the sub-committee.

**403/15 – BA13616 - 14 Europa Pass Battery, Europa Road – Alterations and refurbishment of property**

The Commission noted the approval granted by the sub-committee.

**404/15 – BA13617 - 1 Dexterous House, Ordnance Wharf – Proposed internal alterations**

The Commission noted the approval granted by the sub-committee.

**405/15 – BA13620 - 1st Floor, 7-9 Cornwalls Lane – Proposed internal alterations**

The Commission noted the approval granted by the sub-committee.

**406/15 – BA13629 - Ground Floor, Atlantic Suites – Proposed fitting out of fitness studio**

The Commission noted the approval granted by the sub-committee.

**407/15 – BA13630 - 4/2 Gavino's Passage – Proposed demolition of existing internal partition**

The Commission noted the approval granted by the sub-committee.

**408/15 – BA13631 - 4 Northview Terrace – Proposed internal alterations**

The Commission noted the approval granted by the sub-committee.

**409/15 - REF N 009 15 - Winston Churchill Avenue – Removal of Ficus Elastica Tree**

The Commission noted the approval granted by the sub-committee.

**Any other business**

No other business

**410/15 – Next meeting -**

The next DPC meeting will be held on Tuesday 22<sup>nd</sup> July 2015 at 9:30a.m.