

**APPROVED**

*DPC meeting 13/12*

*13/12/12*

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 13<sup>th</sup> Meeting of 2012 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 13<sup>th</sup> December 2012 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 M Gil (MG)  
*(Chief Technical Officer)*

Mr G Matto (GM)  
*(Senior Architect)*

Mr C Viagas (CV)  
*(Heritage & Cultural Agency)*

Dr K Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*

Mrs J Howitt (JH)  
*(Environmental Safety Group)*

Mr R Labrador (RL)  
*(Gibraltar Heritage Trust)*

Mr J Collado (JC)  
*(Land Property Services Ltd)*

Mr J Mason (JM)  
*(Rep Commander British Forces, Gibraltar)*

**In Attendance:**

Mr P Naughton-Rumbo (Executive Officer) (DTP)  
*(Deputy Town Planner)*

Mr E Francis  
*(Minute Secretary)*

**Apologies:**

Mrs C Montado  
*(Gibraltar Heritage Trust)*

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**Approval of Minutes**

**658/12 - Approval of Minutes of the 12<sup>th</sup> Meeting held on the 22<sup>nd</sup> November 2012.**

The minutes of the 12<sup>th</sup> Meeting held on the 22<sup>nd</sup> November 2012 were approved.

**Presentation**

**659/12 - BA12185 - 63 Europa Road – Proposed construction of 12 parking spaces 7 and BA12217 Outline-Buena Vista Barracks, 40 Europa Road – Proposed construction of dwelling.**

The Commission welcomed Mr L Gaduzo (LG) from AKS who would be addressing the Commission on behalf of the applicants.

LG explained to the Commission that the applicant wished to change the original proposal and locate the parking spaces on the site adjacent to 63 Europa Road. This would allow the Buena Vista Development to extend further South. He informed the Commission that the new design for the parking spaces takes into account traffic concerns raised in the previous application. He added that the trees would be retained and as much of the greenery as possible, a green surface scheme would be used for the car park spaces.

LG said that by extending the Buena Vista Development the residential unit which had previously been approved for 63 Europa Road could be constructed on this site freeing the area for the car park spaces. LG said that it was intended to lower the site at 40 Europa Road in order for the residential unit not to exceed the height of the current parapet wall; this he felt would protect the vistas.

LG said that as part of the proposal included additional land the applicant would agree to improve and incorporate a pedestrian route along this road as well as laying major infrastructure required for the area.

LG felt that all parties would gain with this proposal, the tenants of 63 Europa Road would get their property refurbished and parking spaces, the developer would gain the extra land, the public would get an improved pedestrian route and the local service providers would be able to extend their infrastructure.

GM asked whether this proposal resulted in a loss of public space.

The Chairman advised that the loss to public space would be the site occupied by the current car park on the western side of the road.

MEH asked whether they were sure that their proposal for the residential unit could be achieved.

LG said that it was achievable.

MEH asked how they would dig down through the rock.

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LG explained that the site was a land fill.

MEH said that he felt that the house would not be low enough to protect the views.

KB said that the assessment undertaken had been done on the basis of a smaller footprint. This proposal is based on a larger footprint on both sides therefore further assessments would need to be carried out.

MEH asked if the proposed footpath would be cut in or on the road and whether the traffic department had been consulted.

LG explained that the footpath would be on the road. He added that they still needed to consult with the traffic department.

DCM asked what was the height, above the road, of the proposed house.

LG replied that the height would be slightly higher than the current parapet wall approximately 0.5m more.

JH asked whether the proposed garages could be relocated elsewhere on the site.

LG said that this could be possible.

GM asked whether both applications were intertwined.

LG stated that they were.

There being no further questions the Commission thanked LG.

**Matters Arising**

**660/12 - BA12335 - North Mole, adj Port offices – Proposed temporary electricity generating installation.**

This was deferred pending EIA screening.

**661/12 - BA12260 - 9/3 South Barrack Road – Proposed extension, swimming pool and refurbishment.**

DTP briefed the Commission on this application. He explained that there was an issue with regards to the window on the proposed extension. He added that the applicant was amenable to this being opaque and to the roof being flat instead of pitched. DTP referred Members to the various objections that had been received.

DTP reported on the contents of a letter received from the applicant's lawyers (received that day) relating mainly to legal issues as regards access to retaining walls.

RL says that the area currently enjoys a feeling of openness which would be lost. He stated that politicians should look at legislation which would address this by protecting the views.

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DCM pointed out that at present no one enjoys a right to a view. He added that the Town Planning Act is currently being reviewed so recommendations or suggestions could be submitted for consideration.

GM & CV both agreed that the introduction of legislation to protect views could set a dangerous precedence.

DTP stated that under planning law only public views could be taken into account but not private views.

The Commission approved this application.

**662/12 - BA12299 - 83 Catalan Bay – Conversion of voids into 3 No bedsits**

This application was carried forward at the applicant's request.

**663/12 - BA12300 - Adj 100 - 105 Mayflower, Both Worlds – Proposed tiling of footpath.**

The Commission approved this application and agreed that the Town Planners would liaise with the applicant to determine the choice of tiles.

**664/12 - BA12319 Outline - 2 & 3 Kavanagh's Court – Proposed demolition of existing buildings and redevelopment for residential and associated car parking.**

DTP pointed out that there had been several objections submitted. The objections were on the grounds of right to light, ventilation, fumes as a result of the garage & loss of value.

DTP stated that he felt that this scheme was an improvement to the previous scheme. He added that if approved he would recommend that the full detailed application should be subject to public participation again.

DCM agreed with DTP that it was a vast improvement and added that the applicant should be commended for it.

JH also agreed but expressed concerns with the proposed landscaping in relation to its location and the garage.

RL said that this scheme was an improvement although he had an issue with the long windows on the left of the front elevation as they were out of character.

CV agreed that it was a good scheme and requested that the applicant be conditioned to providing a digital record of the current site.

GM asked if the applicant could address the Commission in respect of the right to light objection.

The applicant pointed out that there was only one window at ground level on the façade on which the right to light objection is being claimed. This aspect of this window currently is into a covered passageway.

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The Commission approved the application with conditions on public participation to apply at full stage, digital record of site, and provision of swift nests.

**665/12 - BA12327 – Demolition - 2 & 3 Kavanagh’s Court – Proposed demolition of three storey structure.**

The Commission approved this application.

**Other Developments**

**666/12 - BA11849 - Container Berth, North Mole – Proposed Tank Farm**

DTP explained that this application had required an EIA which had been prepared and published. No comments from the public had been received.

Mr David Dumas (DD) on behalf of the objectors had asked to address the Commission.

DD said that he had asked to address the Commission in case members wished clarification on their objections.

DD went through the objections which were mainly on the basis of danger of accidents, fire or spillage due to the proximity of the container berth.

The Chairman pointed out to DD that an EIA had been undertaken and the opportunity to comment during the public participation phase had not been taken up. The Chairman asked whether they still maintained their objections after the EIA.

DD said that their objections still stood as they felt that these had not been addressed by the EIA.

There being no further questions the Commission thanked Mr Dumas.

The Chairman tabled his screening report in which he highlighted the issues raised should the tank farm not be approved particularly the continued use of the current less controlled practice of storing lubricant through the port area and loss of employment and business for the port related activities in relation to Lubricant Oil. The Chairman recommended that the Commission approve this application.

MEH said that he had only seen the report this morning and had not been briefed by his department officials. MEH was concerned with the proposed traffic plans etc not being implemented. He asked whether this application could be deferred until January.

The Chairman pointed out that comments received from the Ministry of Environment and all consultees with reference to the Environmental Statement and planning application were positive and such matters as the Traffic plans would be included as conditions on the permit making them legally binding.

MEH explained that his concerns are on what would happen should the traffic plans not be approved. He added that his comments should not be viewed as an objection but only that he is expressing caution as he has not been fully briefed.

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Mr A Isola lawyers on behalf of the applicant addressed the Commission and explained that the application had been ongoing for 14 months, he pointed out that if there were further delays there would be a risk to the investments due to timelines from external commercial parties.

The Chairman asked whether the Commission could approve in principle subject to the approval of the relevant plans and issues being raised at this meeting.

MEH said that he could not support this on the grounds that he had not been fully briefed.

The Commission agreed to reconvene on the 3<sup>rd</sup> January 2013 at 9.30am in order to consider this application and allow Members to reappraise themselves of any matter they feel needed more attention.

**667/12 - BA11966 - Flat 6, 1 College Lane – Proposed roof modifications and dormer windows**

DTP presented the scheme including photomontages showing two different types of dormers.

DTP pointed out that the proposal included the replacement of the existing traditional glazed roof details with a lightweight roof sheeting. DTP referred to Development Plan policy that required replacement in such cases to be on a like for like basis.

CV suggested the use of skylights instead of dormer windows.

The Commission approved this application subject to the use of skylights. It also required the new roof to be of traditional Arabic tiles.

**668/12 - BA12161 - Glacis Road – Proposed telecommunications cabinet.**

DCM declared an interest as Chairman of Gibtelecom.

MEH wished to congratulate the applicant on the latest proposal.

Two options had been submitted a red and a blue one.

The Commission approved the revised option (blue).

**669/12 - BA12185 - 63 Europa Road – Proposed construction of 12 parking spaces & BA12217 Outline-Buena Vista Barracks, 40 Europa Road – Proposed construction of dwelling.**

DTP clarified that cliff and ecological study were required as part of the previous proposal.

The Commission was informed that no cliff works were required on the Rosia side.

A discussion ensued on the principle of public access within the Buena Vista site.

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

3 in favour

3 Against

3 Abstentions

The Chairman cast his vote in favour.

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KB stated that he did not feel that it was appropriate for the application to be approved solely on the Chairman's casting vote, given that it was approved by a minority of four out of nine present.

The Commission approved both applications. Conditions would be included in respect of cliff stability on 63 Europa Road. Draft permits would be circulated to members and the existing permit for the dwelling at 63 Europa Road would first need to be revoked.

**670/12 - BA12318 - CP 1175/2 3A Rosia Parade – Proposed 2 storey rear extension, conversion of flat roof into terrace with spiral staircase, swimming pool and replace garage door.**

The Commission approved this application.

**671/12 - BA12324 - 7 South Barracks Mews, South Barracks Road – Proposed remedial works to retaining wall and patio slab.**

This application was carried forward as the application fee had not been paid.

**672/12 - BA12330 - 2 Ellerton Ramp, Buena Vista Estate – Proposed changes to fenestration, glass balustrade and boundary fence.**

The Commission approved the application with the exception of the glass balustrade which was rejected as it was not in accordance with the agreed guidelines for this estate.

**673/12 - BA12332 - 2 Giro's Passage – Proposed refurbishment and subdivision of one apartment into two.**

The Commission approved this application.

**674/12 - BA12342 – Demolition - W.O & S.R Mess, Four Corners – proposed demolition of building.**

The Commission noted the proposed demolition. Attention was drawn to the presence of house martin nests in this building.

**675/12 - BA12344 - 13 St Christopher's Court – Proposed extension to ground floor kitchen**

The Commission approved this application subject to feedback from MG and on condition that roof extension should replicate original roof.

**Minor Works – not within scope of delegated powers**

**676/12 - Ref1195 - Britannia House, Queensway – Proposed removal of Tamarisk Tree**

The Commission approved the removal of the Tamarisk Tree to allow a new vehicular access along Britannia House from Queensway to the Education department as the current access has been closed due to the Commonwealth Park Project.

**677/12 - BA12295 - 8 St Christopher's Court – Proposed internal alterations, extension of front yard and construction of concrete boundary wall.**

LPS objected as the proposal encroached on public land.

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The Commission approved the internal works but not the proposal to extend the boundary line as this would be out of character and would set a precedent..

**678/12 - BA12304 - 2 Jasmine House, Waterport Terraces – Proposed fence to front boundary wall, addition of shutters to rear windows, change of window style and air condition units.**

The Commission approved this application with the exception of the proposed sliding window to the rear bedroom which was rejected.

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

**679/12 - Ref - 1198/024/12**

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

**680/12 - Café Modelo, 5 Casemates: Proposed shop sign**

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

**681/12 - Ref1198/29/12 - Miss Shapes Ltd, 216 Main Street – Change to shop name.**

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

**682/12 - BA12085 - 10 Irish Town: Proposed refurbishment of communal stairwell and new lift installation in courtyard and refurbishment/conversion of second floor apartment into two separate units.**

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

**683/12 - BA12273-Beau Jangles 209 Main Street: Proposed internal and external alterations (re-tile shopfront and hang showcases).**

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

**684/12 - BA12283 - Gibtelecom, Europa Road: Proposed installation of telecommunications equipment in a new cabinet and remove existing one once completed.**

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

**685/12 - BA12288 - 21A Admiral's Place, Naval Hospital Hill: Installation of air conditioning unit.**

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

**686/12 - BA12292 - Apt.601, Block 5 Europlaza: Proposed glass curtains.**

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

**687/12 - BA12302 - Quayside Kiosk, Unit 1, Ocean Village Promenade: Internal modifications to existing restaurant.**

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



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**688/12 - BA12303 - 305 & 306 Neptune House, Marina Bay: Proposed internal alterations and replacement of parapet balcony wall with railing as per other residential unit.**

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

**689/12 - BA12305 - Apt 73, Quay 27 Kings Wharf: Proposed works to rear exit area of apt**

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

**690/12 - BA12307 - Apt 79, Quay 27 Kings Wharf: Proposed works to rear exit area of apt**

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

**691/12 - BA12312 - 2 Ashbourne Ramp, Buena Vista Estate: Proposed conversion work and refurbishment of premises.**

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

**692/12 - BA12315 - 78 Irish Town, The Clipper Bar: Retractable canopy.**

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

**693/12 - BA12321 - 22 Queensway Quay: Proposed internal alterations and new awnings**

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

**694/12 - BA12323 - 41 & 42 Cormorant Wharf, Queensway: Removal of a non-structural party wall within the kitchen area.**

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

**695/12 - BA12325 - Flat 5, 73 Irish Town: Proposed internal alterations to flat.**

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

**696/12 - BA12338 - 102 Irish Town (Three Owls): Awning for the outside of the bar.**

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

**Any other business**

**697/12 – BA12363 – 85 Governor’s Street: Application for change of use**

The Commission approved this application subject to reinstatement of windows.

**698/12 – BA12328 – Unit 1 Rosia Plaza: Application for projecting canopy**

The Commission rejected this application.

**699/12 – Next Meeting**

The Commission agreed to next meet on 3<sup>rd</sup> January 2013 at 09:30 am.