

APPROVED

DPC meeting 7/13

14/6/13

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 7th Meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 14th June 2013 at 09.00 am.

- 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)

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

 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

 - Mr C Perez (CP)
(Gibraltar Ornithological & Natural History Society)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Miss K Lima
(Minute Secretary)
- Apologies:**
- Dr K Bensusan (KB)
(Gibraltar Ornithological & Natural History Society)

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

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Approval of Minutes

283/13 – Approval of Minutes of the 6th Meeting of 2013, held on 23rd May 2013

The Minutes of the 6th meeting of 2013 held on 23rd May 2013 were approved by the Commission.

Matters Arising

284/13 – BA10256 – New Aloes, Europa Road – Proposed Villa

DTP reminded the Commission that at the previous meeting the pool and gazebo were approved but not the viewing platform and decked area, following concerns of lack of progress in landscaping.

DTP referred to the applicant's letter that had been circulated to members. In the letter the applicant states that the walkway is not intended for viewing purposes but rather to allow residents to walk amongst the trees. The area surrounding the decked area will also be heavily landscaped to increase privacy and reduce traffic noise. The applicant claims to have carried out 40% of their planting scheme to date and that both mature and native trees are being planted. The applicant is requesting that the DPC reconsiders their previous decision.

CP requested details on the design of the walkway. DTP said that it will be a timber walkway cantilevered off the slopes with landscaping in front. He also said that the trees which are being planted are between 3 to 5 metres in height from floor to branch.

The Commission approved this application.

285/13 – Ref.1198/006/13 – Bus Shelters, various sites – Proposed new advertisements

The Chairman suggested deferring this matter as the agents have to revert with a full report on what they have done to date.

This matter was carried forward.

286/13 – BA12545 – Devil's Tongue Battery – Proposed gazebo with canopy

DTP said that this item was deferred at the last meeting as the Commission was concerned that the proposed gazebo may be more visible than the existing and that it might affect the listed monument. The applicant has provided revised designs in which the height of the gazebo has been lowered and it is no longer visible above the wall. The gazebo will be constructed using polycarbonate clear sheets. DTP also said that this is a listed monument and therefore, approval from the Minister for Heritage is required.

CAM said that the Heritage Trust is concerned that original features of the monument will be damaged and that a watching brief should be a condition of the permit.

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MEH said that the Ministry for Heritage is also concerned with the need to drill into the ground to construct the gazebo. They have said that although the area might have been spoilt in the past, works should be monitored to ensure that the monument is not damaged. They do not have any objection to the proposed structure.

The Commission approved this application subject to a watching brief.

287/13 – BA12423 – 156/4 Main Street – Proposed replacement of canopy & parasols with adjustable louver roofing

BA12424 – 156/3 Main Street – Proposed replacement of canopy & parasols with adjustable louver roofing

DTP told the Commission that the applicant has submitted revised designs as requested by the DPC in the meeting of February 2013.

The Chairman explained that the structure will be self supporting on columns and that the facade of the Parliament building will not be affected. The structure will be built in three sections which can be individually removed, thereby allowing for maintenance of the building. The louvers will rotate and will be remote controlled.

JH asked whether there are similar louvers elsewhere in Gibraltar. The Chairman said that there are some examples in private residences.

DCM said that the proposed structure looks better than the parasols that are used at present.

The Chairman said that this might be used as an example for other places.

CAM said that she was concerned that we might end up with structures in front of all buildings, although she agreed that it does look better than at present. The Chairman said that any further requests for these types of structures would have to be considered on a case by case basis.

GM asked for details on the colour of the structure. The Chairman said that it would be better to keep it simple and black, as other structures in the town area.

JC and MG agreed that the example with the ornate features looked better than the simple design. CV said that he did not think it was necessary to add features to the corners of the structure and thought that black would be consistent with other street furniture in the town area.

The Commission took a vote with a majority of 5 members voting for a structure with decorative features.

This application was approved as per the revised design.

Major Developments

288/13 – BA12306 – Coaling Island – Proposed marina- GOG Project

DTP told the Commission that the final consultation date for the EIA had not yet passed and therefore, the application could not be considered at this meeting. He said that no comments have been received from the Ministry of Environment.

A separate DPC meeting will be scheduled to discuss this application.

289/13 – BA12619 – St Bernard’s First and Middle Schools – Proposed refurbishment and conversion, extensions, partial demolition & new build of the Old St Bernard’s Hospital – GOG Project

The Commission welcomed the project manager on behalf of the HMGOG, Mr Chris Riddell (CR).

CR told the Commission that two schools, a gym and sports facilities for the community will be constructed. He said that the project is centred on education, leisure facilities and culture and heritage. He explained that St Bernard’s first school will share intake with St Mary’s School and that relocating Sacred Heart School to this location will allow Government to fulfill their commitment to balance the intake of schools. He explained that the new building will include a special needs room, library, ICT room and a specialised art room. Both schools will be networked and there will be a series of ramps for disabled access. The middle school will have an atrium for social and educational interaction. This atrium will be both mechanically and naturally ventilated. Community facilities will include a gym/sports hall and courts at the back end with separate access. Toilet and shower facilities will also be provided. He said that the Nurse’s Quarter will not be demolished as originally proposed and that its original features will be maintained.

CR also told the Commission that the project is being carried out in consultation with the Head teachers and the Director of Education. The Heritage Trust has also been taken on a visit of the site.

JH welcomed the project but highlighted traffic issues which existed when the area was functioning as a hospital. She asked what assessment has been done on the effect of traffic in the area.

CR said that the road configuration cannot be changed but that most children go to school on foot. He said that a podium level has been designed to allow people to deliver and wait for children thus removing people from the road.

JH asked how many children will be accommodated in these schools. CR said that the school will cater for a four form entry and will accommodate children from the upper and central town area.

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The Chairman referred to other areas which experience traffic problems due to parents dropping off and collecting children from school. He said that there is time to consider where children come from with the view to incorporate traffic calming measures.

CV said that the catchment area should be looked at and a study on traffic in this area carried out. CR said that the policy is to have the same intake of children in all schools and that although better traffic management needs to be introduced, most children walk to school.

The Director of Education who was in the audience told the Commission that at the moment the catchment area for Sacred Heart School has been expanded and that a bus has been provided to take children from the Mid Harbour Estate area to school. He said that most of the teachers also choose to take this bus as there is limited parking in the area.

The Chairman asked what will happen to the old St Bernard's School building. DCM said that the Department of Education will probably return the building to Government but there are no immediate plans.

CAM welcomed the fact that the Nurses Quarter will be kept and the way in which it has been incorporated into the scheme. She asked that the terracotta, stone and elements of ornate iron features also be preserved. CR said that the terracotta and stone work will be preserved and that although the ornate iron features are not structurally sound, they will be used decoratively. CAM also requested that an archeological watching brief is carried out.

DCM said that the project shows fantastic use of an old building and that it has been specifically designed.

CV suggested that perhaps it would be a good idea for the Heritage Trust to be present during works as there are some heritage elements which are not easily recognisable.

CP requested the introduction of swift nests.

290/13 – BA12519 – 1, 2, 5 & 7 Ansaldo's Passage – Outline proposed refurbishment of existing dwellings

DTP told the Commission that this application is to refurbish the existing dwellings and create 21 apartments. The development will include internal alterations and minor additions to the rooftops. The exterior of the buildings will also be rendered and painted. DTP said that there are no planning objections and welcomed this project in terms of the regeneration of the upper town area.

MEH and CP requested the incorporation of swift nests.

CAM asked that the applicant consider retaining vernacular features.

The Commission approved this application.

Other Developments

291/13 – BA12326 – Albany House, 5, 7, 9 Town Range – Outline application proposed demolition and construction of 6 storey building mixed commercial/residential use

This application was carried forward pending the submission of revised plans.

292/13 – BA12551 – 40/44 Irish Town – Proposed refurbishment, external alterations and part change of use to mixed retail/cafe/terrace

DTP told the Commission that this application is for a partial change of use to incorporate a cafe. An existing window on the centre of the façade will be converted into an entrance door. DTP said that the Ministry for Heritage and the Heritage Trust do not have any objections and that their view was that this window would originally have been a doorway. No objections have been received under Section 19.

The Commission approved this application.

293/13 – BA12558 – 2B Gardiner’s Road – Proposed terrace extension

This matter was carried forward as the public participation requirement has not been met.

294/13 – BA12581 – 5 Pelham House, Ackland Avenue, Buena Vista Estate – Proposed internal alterations, glass curtains to balcony and external alterations

DTP told the Commission that this is the first application that includes external alterations to a flat within this block. DPC’s guidance is therefore, required so that future applications can be dealt with by the sub-committee.

DTP said that the applicant is proposing to enclose the external terrace on the rear elevation with glass curtains. They have also requested permission to replace the white panel below one of the bedroom window with glass. DTP said that the latter was not approved for the villas.

The Chairman said that from previous experience with the terraced houses he would advise the Commission to allow internal alterations first and consider the external alterations once there was a residents committee formed, for them to put forward a cohesive presentation of alterations and revert to the Commission with suggestions.

The Commission concurred with the Chairman’s recommendations and deferred this matter until a committee is formed by the residents.

295/13 – 12 Governor’s Lane – Proposed reconstruction of bathroom and reroofing with imitation slate tiles

DTP explained that the proposal was for the reconstruction of an existing bathroom and the replacement of the existing roof covering. He reminded the Commission that they had previously refused an application to replace the roof tiles with light weight roof sheeting but that the request has now been changed to replace with imitation slate tiles. An appeal lodged against the refusal of the previous application had been withdrawn.

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The Commission asked the applicant to provide a sample of the imitation slate tiles which he is proposing to use. The applicant returned to the meeting with a sample.

GM said that allowing the use of imitation slate tiles might create a precedent. He asked the Commission whether the policy will be to encourage original slate or imitation slate. CAM said that these issues will be addressed by the new Heritage Act.

MEH said that there is a lack of slate which is a natural resource and it might be better to encourage the use of composite alternatives.

The Commission approved the replacement of the roof tiles with imitation slate tiles.

296/13 – BA12586 – 4 Ordnance Wharf, Queensway Quay – Proposed extension

DTP said that this is a proposal to provide an extended balcony on the first and second floors of the west elevation. Changes will also be made to fenestration so that all of the windows line up. There are no planning objections.

The Commission approved this application.

297/13 – BA12595 – 6 The Anchorage, Rosia Road – Proposed gazebo

DTP told the Commission that the top part of the proposed gazebo would be visible from the road. He said that the application includes the introduction of solar panels on the south and west aspects.

JH thought that it would be a shame if the gazebo is placed in front of the magazine. DTP said that it would be to the side of the magazine and not in front.

CAM said that the style of the gazebo is out of character with the rest of the development. DTP said that the applicant has stated that the use of timber reflected the use of timber cladding on the buildings.

The Commission approved this application subject to the design of the gazebo being in keeping with the development.

298/13 – BA12600 – Bus Depot, Winston Churchill Avenue – Proposed LED display screen

DTP informed the Commission that the proposed LED display screen would be self standing on 3 tubular columns and was 8 by 4 metres in size. He said that in the past this kind of advertising has not been approved by the Commission.

MEH asked who approved the existing one. DTP said that it was used to advertise the airport project.

JC told the Commission that the area will shortly become MOD land and that they might object to the display, so it may have to be removed.

MEH said that it should be taken in context of what the area will be used for.

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MG also said that this site will become MOD land so the installation of the display in this area will not be possible.

The Commission refused the application as this area will become MOD land.

299/13 – BA12605 – Unit 1, Corral Road – Proposed canopy

DTP said that the proposal is to erect a canopy to protect cars during valetting service. The canopy will be free standing and set at a distance from the wall.

The Chairman said that the property is a freehold and that the area in front is part of their lease. He said that he did not see any reason why this cannot be allowed as permission has been given to erect structures in front of walls and buildings in other parts of town.

Both JH and JC expressed their dislike for the proposed design.

The Chairman asked whether they wanted the applicant to submit revised designs.

DCM said that if the issue is with the design of the structure then perhaps it would be beneficial to ask the applicant to submit revised designs. He said that if the structure will not affect the wall in any way and it will help a young person in starting their business, then allowing it should be considered.

MEH said that perhaps the applicant could move the canopy to one side.

The Chairman said that it would be unfair on the applicant to spend money on new designs if the Commission does not want to see a structure in front of the wall as a matter of principle.

MEH said that their decision would depend on the type of structure.

CAM said that it would be directly in front of the entrance to the site. The Chairman said that there would be no restriction to access.

CV suggested moving the structure forward to leave more distance between it and the wall.

The Commission deferred this matter pending a site visit to the area and discussions with the applicant.

300/13 – BA12607 – Unit 1, Grand Ocean Plaza – Proposed change of use from insurance office (Class A2) to general office use (Class B1)

DTP told the Commission that the proposed change of use is from a gaming company who is setting up in Gibraltar. He referred members to the applicant's letters previously circulated. They will be creating 20 full time, white collar jobs. Their reasons for wanting to set up at this location are because it is a good location and due to lack of office space in Gibraltar. The applicant has also referred to the struggling café business next door to their premises and said that their office will provide clientele to this business. There are no planning objections.

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The Commission approved this application.

301/13 – BA12609 – 1 Catalan Bay Road – Proposed 4 No steel framed industrial units – GOG project

BA12617 – 1 Catalan Bay Road – Demolition of building – GOG project

The abovementioned applications were considered simultaneously.

DTP said that the proposed industrial units will have three entrances off Catalan Bay Road and one to the rear, and that vehicular access will be shared with existing users to the rear of the site. The design is for standard industrial units.

DTP informed the Commission that objections have been received from one tenant in the area claiming that at the moment all of the units have circulation around them for safety and access to services, and that this will be lost. This also applied to circulation space around the MOT centre. A second occupier has also objected commenting on the access to the units which are currently serviced by articulated lorries and suggesting that maneuverability will be impeded. DTP referred members to the letters previously circulated.

JC said that maneuverability will actually be improved.

DCM said that there is a huge demand for industrial space and a shortage of land. MEH added that he would prefer having industrial units in an already industrial area.

The Chairman informed that the Traffic Commission has referred and recommended that loading and unloading is carried out within the premises and highlighted that the current design does not cater for this. He said that the effect on pedestrian flow should also be considered, especially during the summer months. The Chairman also reported that the Traffic Commission's view is that parking for employees should be included within the premises.

CV asked what the units are envisaged for. JC said that they will be used for businesses being relocated from elsewhere.

The Commission did not have any objections subject to the relevant department taking into account the comments raised.

302/13 – BA12621 – Camp Bay – Proposed disabled ramps and revised toilets layouts – GOG Project

DTP said that three ramps will be created to improve access to Camp Bay and one to improve access to the sea.

The Commission did not have any comments.

303/13 – BA12624 – Grand Battery – Proposed paving and conservation works – GOG Project

CV told the Commission that the project will involve conservation of the monument and a few repairs. The area will be paved and a glass structure will be installed to house the Gibraltar rock

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model. He said that the energy performance of the glass structure will be specifically designed. The area will be used to host parades.

DTP asked whether any trees will be lost. CV said that the Ministry of Environment have been consulted and recommended that any trees which are damaging the wall be removed. He said that this applied to only one tree and that all of the others will be retained.

DTP asked CV whether it is necessary to pave the whole area. CV said that it is as the area will be used for parades and that it therefore has to be leveled. Nevertheless, CV said that he would consider any alternative suggestions.

CAM said that the Heritage Trust would like to look at the designs for the glass structure.

304/13 – BA12625 – Urban Renewal, Upper Town – Upgrading of infrastructure and paving – GOG Project

CV informed the Commission that this is a scheme for the upgrading of streets and ramps in the upper town area. He said that three main areas will be linked; Castle Keep, Hospital Barracks and Engineer Lane Gardens. CV drew the Commission's attention to the wall dividing Engineer Lane Gardens and Castle Ramp and suggested that if it is removed fantastic views will be exposed with the bastion wall as a backdrop. CV said that the project should focus on opening up areas.

The Chairman said that two comments have been made by the Town Planning Assistant. Mr Baglietto suggests that more water features should be incorporated and asks whether the ramps can be made more disabled friendly. CV said that the steps will be removed but that in terms of gradient, this is dictated by the existing walls.

CAM said that there is a searchlight post in the area along Castle Ramp which should be retained.

The Chairman asked CV when they envisage that the project will commence. CV said that they would like to make use of the summer months but that at the moment a tender package is being prepared.

305/13 – BA12626 – Catalan Bay Beach – Proposed disabled access ramp, reconstruction and relocation of football pitch and a new children's park – GOG project

DTP told the Commission that the park will be located further into the car park and that the disabled ramp will link the car park to the beach and road at a lower level.

JH asked where exactly the park will be located. The Chairman said that it will be beneath the existing staircase which leads from the car park onto the road.

The Commission did not have any further comments.

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Minor Works – not within scope of delegated powers

306/13 – BA12327 – 273 Kavannah’s Court – Proposed demolition (Phase 2)

CP asked that the effect on nesting Swifts be considered prior to demolition. The Chairman said that Mr Kevin Lane had also requested that standard watching briefs are carried out for demolitions.

The Commission approved this application.

307/13 – BA12602 – Old Airport Terminal, Winston Churchill Avenue – Proposed demolition of building – GOG Project

CP asked that the effect on nesting Swifts be considered prior to demolition. DTP said that Mr Kevin Lane had also requested that standard watching briefs are carried out for demolitions.

The Commission approved this application.

308/13 – BA12608 – Devil’s Tower Camp – Proposed single storey band block with double height over practice rooms – GOG project

The Commission approved this application.

309/13 – BA12614 – Adj Princess Royal Medical Centre, Devil’s Tower Camp – Proposed single storey building for storage of pesticides – MOD project

The Commission approved this application.

Applications granted permission by Sub-committee under delegated powers

310/13 – Ref.1198/014/13 – Naval Ground- 2013 Fair advertisements

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

311/13 – Ref.1198/015/13 – 273 Main Street, The Corner Stone Bookshop – Proposed projecting hanging sign

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

312/13 – Ref.1198/016/13 – 19/21 Governors Parade – Proposed banner

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

313/13 – Ref.1198/017/13 – Winston Churchill Avenue & Waterport Road – Proposed lamp post advertising

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

314/13 – Ref.1195 – Landport – Removal of Eucalyptus Trees

JH asked why these trees are being removed. The Chairman said that the trees are damaging the fortifications. MEH further explained that these trees were assessed years ago and left in place but that it was only a matter of time before they had to be removed. He recommended that some type of planting is carried out in the area.

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

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315/13 – BA12203 – 5 Ellerton Ramp, Buena Vista Estate – Boundary wall works

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

316/13 – 4 Ellerton Ramp, Buena Vista Estate

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

317/13 – BA11437 – Cathedral of St Mary the Crowned – Replacement of roof terrace slab

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

318/13 – BA12360 – 11 Moorland House, Ordinance Wharf – Proposed partition wall

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

319/13 – BA12512 – 86/89 Catalan Bay Village – Proposed new kitchen area

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

320/13 – BA12578 – Basement building, 8 Europort – Proposed alterations to an unused storage area into new offices

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

321/13 – BA12587 – 25 Limonium House, Westview Park – Proposed glass curtains

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

Addendum

322/13 – BA12596 – 1.2.14 Oleander Court, Sir William Jackson Grove – Proposed awning

DTP said that the applicant is requesting permission to place an awning over one of the windows of their property. DTP said that the proposed awning would project beyond the front plane the building and that an awning would look out of place. He said that all other windows have roller shutter blinds.

DTP told the Commission that the sub-committee had recommended refusal of this application.

The Commission refused this application.

323/13 – BA11988 – 33B Wellington Court – Proposed pathway and car port

The Chairman told the Commission that this application has been included in the agenda following a Hearing before the Appeals Tribunal where it was agreed that the DPC would review their previous decision. If the Commission does not reconsider their decision, then the matter would have to go through the full appeals procedure. The Chairman said that the applicant feels aggrieved at not having being given the opportunity to address the Commission previously.

The Commission welcomed Mr Julian Santos, lawyer representing the applicant.

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Mr Santos thanked the Commission for giving him the opportunity to address them on behalf of his clients. He told the Commission that the current entrance to the applicant's property is on the strip of road between Europa Road and the Garrison Gym and that the applicant is requesting permission to have an entrance at the rear of the property for safety reasons. He said that this application has been on-going for eight years.

Mr Santos reminded the Commission that they had refused the request for various reasons. Firstly, due to the loss of amenity to the Deputy Governor's property. Mr Santos said that LPS had agreed to allocate the strip of land subject to DPC approval. JC clarified that HMGOG agreed to this and not LPS. DCM further clarified that it was the previous administration who was dealing with this. Mr Santos thanked them for the clarification but stated that the offer has not been rescinded by Government. Mr Santos added that the strip of land in question is less than 5% of the area of the Bella Vista property and said that he was not aware of any objection from the Deputy Governor or Government. He also said that GONHS were content that there would be no loss of trees.

Mr Santos also said that there is no possibility for an alternative scheme, as the alternative entrance through the south, as suggested previously by the DPC, is not possible as the owner of the adjacent property has made it clear that he will not allow this.

JC said that the owner of the property to the south objected to the width of the pathway. Mr Santos said that a letter sent on the same day as the DPC meeting in which this was discussed stated that he would not allow access. The Chairman clarified this saying that Mr Labrador did write to the Town Planners saying that he would not accept any encroachment into his property. Although the permit had a 1.2 metre width condition, Mr Labrador did not accept any encroachment.

Mr Santos also told the Commission that another possible solution, that of the Government building a pavement on Europa Road on the opposite side of the road had also been considered. He said that there has been no suggestion that this is going ahead but that to an extent this would not alleviate the problem.

Mr Santos asked the DPC to reconsider their previous decision and allow this application to proceed.

MEH said that he had been involved in discussions regarding this application and a similar request from a neighbour. He said that it was a shame that both neighbours did not deal with this issue together, to create a common access from Mount Road. MEH said that he was reassured that there would be no loss of trees. However, he said that the other neighbour went well beyond what was agreed by the Commission and asked Mr Santos to confirm that nothing other than the footpath will be constructed. MEH also said that the treatment of the boundary wall should be sympathetic and consistent with other walls in the area.

The Applicant, who was in the audience, confirmed that no trees will be lost but said that the plans include a footpath and a car port. Mr Santos added that the car port has also been positioned to avoid loss of trees.

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DTP told the Commission that site meetings have been held during which concern for the proximity of the car port to Bella Vista Cottage and trees in the area was raised.

DCM asked whether there would be merit in considering the car port and the footpath separately.

MEH said that he had no objections to the path but was worried about the sensitivity of removing part of a historical garden.

The Chairman said that he thought it reasonable to allow the footpath as a way of allowing safe access to the property.

Mr Santos highlighted that there is an existing car port adjacent to where his clients are proposing to build theirs.

MEH said that if the DPC allow the footpath the safety issue will be resolved. He said that he accepted that the applicant will see it unfair if they refuse the car port when one already exists. He said that details should be carefully considered.

The Chairman told the Commission that if they agree in principle, they would be retracting on their original decision.

JH asked whether any issues regarding security to the Deputy Governor's house had been raised. DTP said that the previous Deputy Governor had a security report undertaken that indicated the need for a fence of minimum 2 metres in height.

MEH also said that the Commission should restrict the width of the footpath. Mr Santos said that the plans show a 1.5 metre wide footpath from the trees. Mr Santos also said that the person who raised the issue of loss of amenity to Bella Vista Cottage was not the Government but a neighbour.

The Chairman said that the application was not party to neighbours comments as it was not subject to Section 19. He said that one of the neighbours wrote independently to the Town Planners and that this was recorded in the meeting and forwarded to the applicant but was not taken into account during deliberation.

DCM said that he has been dealing with this matter for over a year and that all members seem to be in agreement that the footpath should be considered separately. He said that HMGOG has also in the past been willing to consider on a without prejudice basis, parking on the hill.

Mr Santos suggested that the Commission approved the path and postpone the decision on the carport or that they allow that it be constructed under HMGOG's supervision to ensure everything is done as requested.

The applicant who was in the audience told the Chairman that he said that the neighbour's objection was not taken into consideration but that the Chairman had replied to the objector's

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letter. The Chairman said that he had acknowledged receipt of the letter and passed the objection letter to the applicant for comment. He said that this is part of the usual process. The Chairman further clarified that comments were presented to the DPC for awareness but that these were not taken into account during deliberation. MEH confirmed this.

The Chairman asked the Commission whether they wanted to consider the footpath separately to the carport.

MEH said that he was willing to reconsider and that in principle he did not have an objection to the carport but that this had to be tightly agreed.

The Commission approved the footpath around the back of the property from Mount Road to 33 Wellington Cottage. The Commission requested that the applicant provide designs showing the exact route of the footpath.

The Chairman then asked the Commission to consider the carport on Mount Road.

MEH said that its dimension and visual aspects would have to be agreed.

GM requested further details. DTP said that approval could be conditional to further details being submitted.

CAM said that perhaps it would be better to consider allowing parking on the hill.

DCM said that it would be helpful to see designs before considering approval.

JH suggested that the width should be adapted to ensure that no mature trees are affected. The Chairman said that in fairness to the applicant, the footpath within their property has been designed around the trees.

Mr Santos asked the Commission to take a final decision.

DCM said that when this Government came into office the Appeals Tribunal had not been heard for over two years. He said that the DPC is bending over backwards and reconsidering their initial decision and that they should not be questioned on every decision.

MEH said that as with every application, details would have to be reviewed.

The Chairman said that the standard policy is to take a decision and then details are submitted.

The Commission approved the footpath for safety reasons in order to facilitate easier pedestrian access to the only entrance to the dwelling along Europa Road and not the car port as the Commission is of the opinion that the character and amenity of the garden of Bella Vista House shall be destroyed by building the proposed car entrance and parking area. Any car parking facility would be discussed between the Government and the applicant and would be subject to the submission of details if it involves construction.

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Any Other Business

324/13 – BA12633 – 43 North Mole Road – GOG Project

The Commission did not have any objections to this project.

325/13 – BA12328 – Unit 1 Rosia Plaza

DTP told the Commission that this application was previously refused as the Commission considered that the introduction of a canopy would be detrimental to the appearance of the building. The applicant has contested the refusal and taken the matter to the Appeals Tribunal. DTP also said that the Tribunal has asked that the applicant is given the opportunity to address the Commission.

The applicant told the Commission that his is the only balcony on the ground floor which does not have a roof over it. He also said that it is the darkest apartment in the development and is very windy and noisy. He added that an opaque rattling canopy would increase noise and reduce light entering the apartment. The applicant also said that he has produced wind surveys and analyses of what the canopy would look like in the context of the building, and that these have proven that visual impact would be minimal.

The Commission reconsidered their previous decision and approved this application.

326/13 Ocean Village – Floating hotel

JH welcomed the decision by Government to reduce the size of the reclamation at Ocean Village and asked whether revised plans will be presented to the DPC.

DCM said that Government would not have any problem in showing the new plans and confirmed that there will be a lot less land and more water.

327/15 – Next Meeting

The Commission agreed to next meet on Tuesday 9th July at 09.00 am.