

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4th Meeting of 2015 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 22nd April 2015 at 09.30 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 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 J Collado (JC)
(Land Property Services Ltd)

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

Mrs J Howitt (JH)
(Environmental Safety Group)

Mr J Mason
(Rep Commander British Forces, Gibraltar)

In Attendance:

Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

Miss K Lima
(Minute Secretary)

Apologies:

Approval of Minutes

179/15 – Approval of Minutes of the 3rd meeting of 2015 held on 26th March 2015

The Commission approved the Minutes of the 3rd meeting held on 26th March 2015.

Matters Arising

180/15 – BA13316 – Police Barracks, Castle Road – Refurbishment and re-conditioning of Historic Building Complex with part demolition and extension to provide new residential complex and public open areas

DTP advised that at the last meeting the applicant was requested to reconsider the demolition of Block E. He said that a site visit was arranged for members of the Commission. DTP said that the applicant still considers that if they have to retain Block E, their project will not be viable. He said that at the site meeting the possibility of retaining the ground floor columns or the façade was discussed but that these were not viable options for the applicant. DTP said that the applicant is still proposing demolition of Block E and the creation of public open spaces and encouraging public movement through the development.

JH said that members present at the site meeting were advised by the Minister for Heritage that a report on the façade would be provided to the Commission.

DCM confirmed that the report produced has been considered and that it renders the retention of Block E unviable. DCM said that in his view the loss of this building is regrettable but that the fact that most of the development will be saved is welcome. He said that Gibraltar stands more to gain in the redevelopment of the site.

CAM highlighted that the unviability of retaining the façade is from a financial point of view and not technical. She said that the Heritage Trust does not want to lose the façade and that it has been confirmed that it is technically possible to retain it. However, she said that if the whole project does not go ahead due to the condition of having to retain Block E, they would have to accept its demolition. CAM also highlighted that it has come to their attention that another proposed development might affect this one and said that the Heritage Trust is reluctant to approve the demolition and lose the façade and then find that the project does not go ahead.

JH agreed that sometimes it is a timing issue and suggested that the Commission should consider the other application before this one.

DTP said that the other application cannot be considered at this meeting due to an issue of public participation. He said that the applicant for the Police Barracks application is keen to obtain a decision on their application due to their financial situation and because they want to carry out the demolition in the summer when schools are closed so that there is less disruption to the nearby school.

DCM said that this application has been pending for some time and that the building has been in a dilapidated state for years. He said that the Commission needs to take a decision and that it is important to balance interests. He said that his view is that demolition should be allowed.

Approved
DPC meeting 4/15
22/4/15

The Chairman asked whether the Commission does not find the report submitted by the applicant satisfactory. He said that the Commission should provide reasons for why they do not approve of the demolition and provide alternative options.

CAM said that she believes that the applicant has done all he can to save the building if this were financially viable. She said that perhaps with some financial assistance, retaining the building would not be an issue.

JC asked whether they have calculated costs of saving the façade. He also highlighted that retaining the façade would require a frame to hold it up and therefore, the façade would not be the only visible structure.

JH suggested that the structure could be covered with vegetation.

The Chairman said that the Commission needs to assess the value of the façade compared to the value of the amenity that will be provided to the area. He said that if the original façade has any value it should be listed and it is not.

CV said that he respects the view of the developer as retaining the façade also carries an element of risk for the investor. He said that the Town Planning Act refers to the Development Plan and that the latter is specific on this area and this has to be considered.

DTP said that the Plan serves as guidance and that all material considerations must be taken into account.

DCM said that the area will be a public open area and that this has value.

CAM said that the Heritage Trust accepts that an open area would add value to the area but said that the façade is iconic of the area.

The Commission welcomed Mr Jason Cisarello and Desmond Walsh.

Mr Cisarello provided the Commission with a copy of their latest sketch which he said shows that their development will be maintaining a balance between heritage aspects and the new build.

The Chairman highlighted that the final sketch is not included in the application documents and therefore cannot be accepted. He said that the Commission is being challenged in another application for accepting documents that were not included in the original application package and said that he does not want this to fetter a decision. The Chairman asked the applicants to clarify the financial viability of the project.

Mr Walsh told the Commission that the risk element of retaining the façade is far too high for them to consider continuing with the scheme. He said that they can provide the Commission with photos of support structures for the retention of facades.

The Chairman said that the photos should have been included as part of their structural stability report.

Approved
DPC meeting 4/15
22/4/15

Mr Cisarello said that at the last meeting the Commission asked them to investigate further and that they thought that it was apt for everyone to have a view of what the structure would look like. He said that they are not producing anything that is not within the public domain. Mr Cisarello provided the photos.

The Chairman said that the photos show examples of temporary facades.

DTP clarified that at the site meeting the applicant said that retaining the façade is not financially possible for them.

Mr Cisarello confirmed that from their point of view retaining the façade is not viable for the rest of the project. DTP asked whether they will not proceed with the development if they have to retain the façade. Mr Cisarello said that he does not have the authority to say whether they will proceed or not. He said that the request to retain the façade would make the development extremely difficult to proceed with.

The Commission did not have any further questions and thanked Messrs Walsh and Cisarello.

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

6 in favour

2 against

3 abstentions

The Commission approved this application and removed the condition for Block E to be retained.

181/15 - BA13491 - Police Barracks, Castle Road - Proposed demolition of selected buildings

DTP advised that this application is for the demolition of Blocks A, E and G. He said that the usual procedure is that demolition is not approved until full planning permission is granted; however, in this case the applicant wants to start demolition in the summer so as to not cause disruption to the nearby school.

The Chairman asked the applicant to confirm when they will submit a full planning application. The applicant confirmed that they will submit this by 30th May 2015.

The Chairman asked the applicant whether they are willing to abide by the usual process; that is, wait for the permit to be signed once the full planning application is submitted. The applicant agreed.

CV suggested that the condition of the building should be recorded. The Chairman said that this is part of the process and that the Ministry of Heritage should be invited to record and salvage any items of heritage value.

DTP said that the Department of Environment has requested that a bat and swift survey is carried out before works commence. MEH said that this should be done as soon as possible.

The Commission approved the demolition of Blocks A, E and G but that the permit should not be issued until the full application has been submitted.

182/15 – BA13412 – 5-13 Flat Bastion Road – Proposed restoration and refurbishment, with an additional floor to create 10 apartments and parking

The Commission welcomed the applicant's representative Mr Alex Dobbs (AKS Architects).

Mr Dobbs told the Commission that the applicant has asked him to address the Commission on his behalf as he is away on business. Mr Dobbs said that the application was deferred at the last meeting due to non-planning issues. He said that the tender did not have any restrictions except having to commence works within two years. Mr Dobbs said that although the applicant sympathises with the neighbours, he cannot see a way forward with what they are requesting; hence, he is left in limbo and cannot proceed with his development. He said that his client will accept it if he has to return the building to Government but said that if this is going to be the case, he wants to know now.

The Commission did not have any questions and thanked Mr Dobbs.

The Chairman said that the Commission has an obligation to take a decision. He said that despite the objectors claiming to have met with the Chief Minister, no information has been forthcoming from his office.

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

8 in favour

2 against

1 abstention

The Commission approved this application.

Other Developments

183/15 – BA13452 – 3 Europa Pass Battery, Europa Road – Proposed alterations and refurbishments

DTP told the Commission that the Commission previously approved a design guide for the western façade of this development but that applications for changes to the eastern elevation have now been received. He said that changes include realignment of first floor windows to a more central location.

DTP said that from a planning point of view, the building has a certain architectural style. He said that the reasons provided by the applicant are to centralise the windows within the room. DTP recommended refusal so that the architectural character is maintained.

JC said that he did not have an issue with the proposal as the eastern façade is only visible from within the estate. He said that moving the windows will not have a significant impact on the building.

CAM said that if the windows are moved, the building will no longer be symmetrical.

JC said that changes have been approved on the west façade which means that the properties will no longer all be the same.

Approved
DPC meeting 4/15
22/4/15

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

6 in favour
3 against
2 abstentions

The Commission approved the proposed changes as a standard guide to be followed.

184/15 - BA13473 - 122 Irish Town - Construction of an additional floor and storage attic for office accommodation

DTP said that the proposal is to create an additional floor and storage area within an attic level, following the same architectural treatment as that of the existing building. DTP said that it will be difficult to see the additional floor from far.

DTP said that the Heritage Trust does not have any objections but has requested that they use traditional materials for the roof and windows.

The Ministry of Heritage has suggested that the application lacks details but has no objections. They have also requested the use of traditional materials.

DTP also told the Commission that TSD has raised their standard conditions.

DTP said that the Department of Environment has raised their standard conditions on dust control; energy performance of buildings; bat/swift survey and provision of nests; and use of energy efficient measures.

KB suggested that the bat/swift nests should be integrated into the design.

MEH said that his only concern is the transition between the old Police Headquarters and the top of this building. The Chairman said that the gable end cannot have windows unless permission is granted by HMGOG as Landlord of the adjacent property.

The Commission approved this application.

185/15 - BA13488 - Stagioni Restaurant, Rosia Road - Single storey glazed extension to existing restaurant

DTP told the Commission that the proposal is to construct a single storey glazed extension. He said that at present the premises has an external table and chairs area and that there is a 3.5 metre gap between the licenced area and the promenade. DTP said that the proposal also involves the construction of a stone clad extension on the north end to create toilets and an extension on the south end of the building to cover the barbeque area, pizza oven and create a storage area. He said that the proposal maintains a 3.5 metre clearway between the enclosure and the edge of the promenade. He also said that they are proposing to remove a planter to provide a small seating area and convert the existing toilet building into a store and freezer area.

DTP advised that the restaurant is situated on a listed monument. He said that the Ministry of Heritage is concerned and feel that the glazed enclosure is too heavy and will crowd the area, affecting movement of pedestrians and the potential cycle route which might be introduced to the

Approved
DPC meeting 4/15
22/4/15

promenade. They have also raised concerns that the building could end up with a pastiche finish and said that the seating on the west can impact on the integrity of the monument.

DTP said that the Heritage Trust is concerned that the proposal will have an impact on the boulevard. They do not have an objection to the proposed barbeque area but feel that instead of incorporating it as a small extension to the west, it should be incorporated in the extension to the south. The Heritage Trust also feels that the glazed extension narrows the boulevard.

DTP also said that the Department of Environment requires dust control, energy performance, and a survey of the Eucalyptus Tree on the northern end to ensure that it will not be affected.

DTP advised that proposals to remove planters are generally objected to. He said that the applicant is enclosing one external area and then wants to create a new external area. From a planning perspective, DTP said that they would not want to have an extension to the west. He said that the style should also be improved.

GM told the Commission that Government has asked him to undertake a survey for the beautification of this area. He said that at present he cannot advise on whether this would affect the proposal as he is waiting for a design guide.

MEH said that the plants on the west side should not be removed. He also said that he is not concerned about the thoroughfare as 3.5 metres is enough space to pass. He requested further details on the conservatory.

KB said that the conservatory impacts negatively on the openness of the area.

JH concurred with KB and said that seating should not be allowed on the north and south ends. JH said that the design should be reconsidered as the area is already narrow.

CAM said that the Heritage Trust does not object to the storeroom in the magazine as the magazine has been altered in the past. She suggested that any extension using stone will be difficult to match the original.

The Chairman said that the DPC has in the past approved the recladding of the building on the condition that they use appropriate materials. He asked whether the Commission could consider requesting the applicant to provide another design with no seating on the north and south sides of the building. He suggested that they could have half of the external area as a conservatory and the other half as an external tables and chairs area.

GM said that the applicant should work with the Government designers that are looking into the beautification of the area.

The Commission deferred this application and requested that the applicant submits a revised design.

186/15 – BA13493 – Fish Market Road – Installation of telecommunications equipment in new cabinet

DTP told the Commission that the Ministry of Heritage and the Heritage Trust have raised concerns about the impact that the proposed telecommunications cabinet will have on the city wall. DTP said that the Planning Department shares their concerns.

The Commission welcomed Mr Jason Reyes and Mr Ronnie Payas, representatives of Gibtelecom.

The Chairman asked whether there would be a viable alternative. Mr Reyes told the Commission that he is led to believe that there is no other viable location due to the existence of water mains which cross the road. He also said that he understands that the cables end at this location and it would be difficult to move them to the other side of the road. Mr Reyes agreed that the proposed cabinet looks unsightly.

MEH said that the Commission set a precedent of having a design guide for these cabinets. Mr Reyes confirmed that once the information is provided, they will be covering all of these cabinets with tourist information as agreed.

Mr Payas informed the Commission that this cabinet would serve three districts and said that this is an optimum site as due to technical reasons they have to keep cable distances as short as possible. Mr Payas agreed that they can improve on the visual aspect.

The Chairman asked whether they have explored the possibility of putting the cabinet in the entrance of the I.C.C. Mr Payas agreed to explore this possibility with the Landlord.

GM said that he is concerned that aesthetic solutions have only been applied to a number of cabinets and said that the greater the number of cabinets around Gibraltar, the larger the impact. He requested that the designers reconsider the structure so that it is designed to be more pleasant to the eye. Mr Reyes told the Commission that he believes that this is the final cabinet and that it will replace three others.

This application was deferred to allow the applicant to discuss the possibility of installing it at the entrance to the I.C.C. with the Landlord.

187/15 – BA13494 – Ocean Village Promenade – Proposed construction of bridge to open up promenade, replacement planters and new advertisements

DTP informed the Commission that the proposal is to construct a bridge for direct access to the restaurant and terrace area. DTP said that the bridge will be 3.5 metres wide and planters will be incorporated to the access area. DTP also said that the sign board will be relocated and two stainless steel flag signs introduced. The sandwich boards will be removed.

From a planning point of view, DTP said that there is no objection to the bridge but that the design should be identical to other existing bridges/walkways in the area. He said that the flag signs should be limited to one and located within their premises but highlighted that allowing them might encourage other premises to request the same.

Approved
DPC meeting 4/15
22/4/15

DTP said that LPS and TSD have not raised any objections. The Department of Environment has raised their standard comments on dust control and stated that any discharge to the water would need to be licenced.

The Commission approved this application subject to the bridge design being identical to those existing and limiting the flag sign to one to be located within the premises.

188/15 – BA13497 – 4 Hospital Hill – Proposed internal and external alterations including construction of additional storey

DTP told the Commission that this application has to be deferred due to an issue of public participation. He said that the applicant is revising the designs.

189/15 – BA13498 – Eastern Beach Car Park, Eastern Beach Road – Installation of multi band communication antenna (new site)

DTP advised that a number of applications for 4G antennas have been received. He said that the Subcommittee has dealt with existing ones but that the new ones will be presented to the Commission for approval.

DTP said that this antenna complies with policy in that it is not within 100 metres of a school or hospital and it will be directed away from homes.

DTP said that the Department of Environment has highlighted that they should adhere to ICNIRP Levels. They have also suggested that the antenna should be designed to blend in.

DTP said that the GRA has not raised any objections and confirmed that they will test levels once the antenna has been installed.

The Gibraltar Tourist Board and the Director of Civil Aviation have not raised any objections.

The Commission approved this application.

189/15 – BA13501 – Dudley Ward Tunnel, Brian Navarro Way – Installation of two quad band panel antennas to serve Dudley Ward Tunnel and the east side with telephone services (new site)

DTP told the Commission that this application is for the installation of two antennas; one within the tunnel and one at the entrance to the tunnel. He said that the proposal complies with policy in that it is not near a school, hospital or residential area.

DTP said that TSD has stated that they will not permit the closure of the road.

DTP also said that the Department of Environment requires emission levels to be below the threshold; the antennas must be blended in to their surrounding; and details of trenching should be provided if this is required.

DTP said that the GRA has not raised any objections.

CAM told the Commission that the Heritage Trust does not have any objections but that some sections of the tunnel have breccia and the applicant should be aware of this.

The Commission approved this application.

Approved
DPC meeting 4/15
22/4/15

190/15 – BA13504 – Frontier Customs Post Canopy, Winston Churchill Avenue – Installation of multi band communications antenna (new site)

DTP advised that the proposed antenna will not be near a school or hospital, and it will be directed away from residential areas. He also said that the antenna will cause minimal visual impact.

DTP said that the Department of Environment requires emission levels to be below the threshold and the antennas must be blended into their surroundings.

DTP said that TSD and the GRA have not raised any objections.

The applicant confirmed that the antenna can be painted blue as proposed by the Commission

The Commission approved this application.

191/15 – BA13515 – 4-10 Police Barracks – Proposed townhouse development of four residential units

DTP informed the Commission that this application has to be deferred due to issues of public participation.

192/15 – BA13522 – Car Compound Area, Devil’s Bellows – Installation of triple array panel antenna to augment signals due to the loss of Buena Vista site

DTP advised that the proposed antenna will not be near a school or hospital and it will be directed away from residential areas. He also said that the antenna will cause minimal visual impact.

DTP said that the Department of Environment requires emission levels to be below the threshold and the antennas must be blended into their surroundings. They also require an ecological assessment to be carried out.

The Chairman asked whether the antenna could be aligned to the structure that exists on site. The applicant confirmed that this is possible.

The Commission approved this application subject to the antenna being aligned to the existing building.

JH said that she would like to make a general statement on behalf of the ESG with regards to Gibtelecom and their applications to install 4G antennas. JH said that the ESG has consulted Gibtelecom and presented public concerns to them. She said that not only is Gibtelecom meeting ICNIRP standards, they are also meeting Government policy. She added that the ESG is relieved that they are able to do this on almost every single mast. JH urged Government to request that all other operators achieve the same results.

MEH congratulated Gibtelecom and the ESG for taking on a proactive approach. He said that the Government will encourage other operators to follow suit.

Mr Jason Reyes thanked JH and MEH for their comments. He said that technical requirements often dictate what Gibtelecom requires as they have to meet certain standards. He said that they have tried to keep levels to a minimum although 100% achievement might not be possible all the time.

Approved
DPC meeting 4/15
22/4/15

The Chairman welcomed their attempt on behalf of the Commission as he said that the Commission has a duty to safeguard the public.

193/15 – BA13525 – O’Hara’s Battery – Application to install 1.9m radome for BFBS

DTP said that the radome is a protective cover for the satellite receiver. He said that it will be installed on an existing structure, where there is already existing equipment. DTP also said that when BFBS is relocated they will remove the existing mast. He said that the proposal will have minimal visual impact.

DTP said that the Ministry of Environment has raised requirements on dust control and require a plant assessment to be carried out. They have also requested that the radome should be blended in to cause minimal visual impact.

DTP said that the Ministry of Heritage has not raised any objections.

DTP also said that the Heritage Trust does not have any objections but has highlighted that they require a licence as the site is a listed monument.

DTP added that the GRA has confirmed that the applicant does not require a licence from them as this is a receiver and not a transmitter.

The Gibraltar Tourist Board has not raised any objections.

The Commission approved this application.

194/15 – BA13530 – Ocean Village Promenade, Ocean Village – Proposed ice cream kiosk with digital advertisement board

DTP declared an interest as the Residential Committee of the building in which he resides has raised an objection to this application.

The Chairman told the Commission that the applicant is an occupier of one of the commercial units at Ocean Village. He said that objections have been received from all of the residential groups of Ocean Village as they are concerned about the blind spot that would be created by the kiosk for vehicles driving out of the estate. The Chairman also said that they have highlighted that the bus stop in the area already creates a blind spot. The residents have highlighted that this will make the area unsafe for children and they oppose to the removal of vegetation areas. They have also suggested that the kiosk will require deliveries and that there is no loading/unloading bay in the area. The objectors also believe that the proposal will affect parking and that it will create nuisance to residents. They feel that it is another excuse to increase revenue for a commercial outlet.

The Chairman told the Commission that the applicant intends to have a rolling banner at the top of the kiosk with information on Ocean Village.

The Chairman advised that no comments have been received from the Highways Department. JH highlighted that there were comments from them in the documents circulated to members prior to the meeting.

Approved
DPC meeting 4/15
22/4/15

The Commission welcomed the applicant Mr Stephen Viñales (Ocean Village Express).

Mr Viñales told the Commission that the kiosk will serve two purposes; small kiosk selling mainly drinks, sweets, chocolates, etc. and as an information point for tourists. Mr Viñales said that the kiosk will not cause any obstruction to vehicles entering or leaving the complex. He said that there will not be any deliveries from vans as goods will be carted from his shop within Ocean Village. Mr Viñales said that they do not require any parking.

The Chairman asked Mr Viñales how they intend to attract people into Ocean Village. Mr Viñales said that they will provide signage to promote activities within Ocean Village and offer general information to tourists.

The Chairman said that Ocean Village is supportive of this proposal but highlighted that in his opinion the issue of tourists not been attracted into Ocean Village has arisen from their failure to provide sufficient information at the entrances to the marina.

Mr Viñales said that most of the tenants of Ocean Village require additional footfall and that he has a letter of support from all of the tenants. He also said that he has consulted the pharmacy and they do not object to the proposal.

KB questioned what the kiosk will add in terms of advertising if the massive banner at the same location does not attract tourists.

The Chairman said that in his opinion the onus is on the landlord to come up with proper signage. He said that they should reassess the proposal and revert with appropriate solutions.

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

2 in favour

5 against

4 abstentions

The Commission refused this application.

195/15 - BA13532 - Fish Market Road - Proposed blockwork electrical housing room

DTP said that this application has to be deferred at the applicant's request.

196/15 - Ref 1196/15 - Casemates Square - Request to install windbreaks

DTP advised that the Subcommittee thought that this proposal should not be approved. He said that the proposal is to install windbreakers surrounding the tables and chairs area. DTP said that the windbreakers will be a glass screen set on wheels. DTP told the Commission that the Subcommittee is concerned that this will set a precedent and that increasing requests will affect the openness and movement of people around the square. DTP said that a similar request from Costa Coffee was turned down. He said that the Subcommittee recommends refusal.

The Commission refused this application.

Approved
DPC meeting 4/15
22/4/15

197/15 - Ref 1198/014/15 - Sunborn (Gib) Resort - Installation of various new signage associated with the hotel and casino

DTP said that there is no objection to the proposal for minor changes to signage on the entrance ramp, sign on the side of the ship and signage for the casino on the stern and flank side of the pool on the upper level. He said that there is also no objection to the proposed signage at the top of the ship which will have an overall height of 3 metres. DTP said that although the latter sign will be large, its size will be relative to the structure.

DTP advised that the Director of Civil Aviation requires light to be limited at the top of the ship but has no objection to the proposal.

DTP recommended approval.

The Commission approved this application.

Minor and other works - not within scope of delegated powers

198/15 - BA13481 - 44 Town Range - Demolition of building

The Commission approved this application.

199/15 - BA13505 - Albert Risso House, Waterport Terraces - Installation of triple array panels to existing antennas on site (existing site)

The Commission approved this application.

200/15 - BA13515 - La Rotunda, 4 - 16 Winston Churchill Avenue - Proposed extension at ground floor level under roof overhang to provide smaller retail units

The Commission approved this application.

201/15 - BA13531 - 5 Plata Villa, Withams Road - Proposed demolition

The Commission approved this application.

Major Development

202/15 - BA13471 - Marina Bay - Proposed super yacht berthing facilities and rental apartment constructed on stilts

The Chairman advised that this application was deferred at the last meeting. He said that 500 representations have been received and that 5 objectors addressed the Commission at the last meeting. The Chairman also said that the lawyer representing Tradewinds (an objector), raised representations at the last meeting without having requested permission to address the Commission as per the usual procedure which is at least 24 hours prior to the meeting. The Chairman said that he had to adjourn the meeting as the objector put his hand up at 4pm. He also said that if the objector had approached the Commission earlier, the Commission would have tried to allocate some time to him to make his representations.

The Chairman informed the Commission that since the last meeting the lawyer wrote to the Town Planners and was not happy that he had not been allowed to address the Commission. The

Approved
DPC meeting 4/15
22/4/15

Chairman highlighted that the Commission has to adhere to standards and processes. He said that it would have also been unfair to the applicant if the objector's lawyer would have been allowed to comment, without the applicant's lawyer being given the same opportunity. The Chairman confirmed that legal advice has also been sought on behalf of the Commission.

DTP said that legal advice provided by AG's Chambers suggests that the Commission needs to take a decision on whether they will accept documents provided by applicants addressing the Commission which have not been made public or were not included in their original submission. DTP said that the advice refers specifically to a document which was provided by the applicant and which had not been included in their original submission. DTP also advised that since the meeting, the applicant has submitted further documents including information on fire safety of super yachts and a preliminary traffic statement. DTP said that copies of these documents have been provided to the Commission and asked members to take a decision on whether the information provided should be made available to objectors and supporters before the Commission takes a final decision on the application.

The applicant's lawyer, Mr Louis Baglietto, asked the Commission to take into account the emails which he has sent in reply to the email which the applicant received from the Town Planners. He asked whether he could read out the email to the Commission.

The Chairman thought that it would be precipitous for him to read the email without the Commission having the opportunity to digest the information.

MEH said that the Commission requires more time to consider all of the information provided. He said that in the interest of full transparency both the objectors and supporters should have the opportunity to see the information. MEH also highlighted that he is continuously receiving emails to his personal mailbox with representations from both side. He said that he should not be receiving these emails.

The Chairman suggested adjourning the meeting and allowing all of the documents referred to, to be made public and a public participation process to take place. He said that he did not think that it is right for the Commission to be cornered into taking a decision and said that objectors and supporters should not be writing directly to members of the Commission; all representations should be made through the secretary in his office. The Chairman said that the advice obtained is inclined to allowing all parties to view the information before a decision is taken. He recommended deferral of this application until the meeting to be held on 20th May 2015. The Chairman said that although documents presented at meetings have been accepted in the past, this has never been questioned and since in this case legal arguments have been raised, this has to be considered.

JC said that this might create a precedent for the Commission to have to defer applications every time there is a similar situation. The Chairman said that this will be considered whenever a similar situation reoccurs but that in this case as it has been questioned, he would recommend deferral.

Mr Greg Butcher told the Commission that all of the information has been provided to the Chairman and that it is all specifically in reply to objections raised. Mr Butcher highlighted that the Town Planning Act gives the applicant the right to reply to objections.

Approved
DPC meeting 4/15
22/4/15

MEH also thought that it is also in the applicant's interest to read the objections submitted by the objector's lawyer. MEH also asked whether the Commission could agree to not read any submissions which they receive privately. The Commission concurred. The Chairman said that any information received privately by the members would not be considered either individually by members or by the Commission as a whole.
The Commission deferred this application.

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

203/15 - N/004/15 - 18-20 Bomb House Lane - Replace existing Pepper Tree with semi-mature Cork Oak

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

204/15 - N/005/15 - Junction between Glacis and Bayside Road - Request to remove planter with tree

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

205/15 - Ref 1198/015/15 - International Song Festival Banner, Main Street

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

206/15 - BA11631 - 4 South Barrack Ramp - Conversion of approved pitched roof terrace to flat roof and other minor amendments

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

207/15 - BA11851 - 7 King's Yard Lane - Revised plans for additional windows

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

208/15 - BA12018 - Suite 3.0.3 Eurotowers - Request to extend validity of permit

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

209/15 - BA12241 - 4 Ashbourne Ramp, Buena Vista Estate - Additional alterations to property

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

210/15 - BA12872 - Former Royal Gibraltar Yacht Club - Request to extend permit

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

211/15 - BA12957 - Albany House - Location of a/c units and internal amendments and proposed façade colour scheme

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

212/15 - BA13102 - 4C Leisure Island Business Centre - Pergola

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

213/15 - BA13165 - 10 Naval Hospital Road - Revised design to proposed extension including the construction of a pitched roof

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

Approved
DPC meeting 4/15
22/4/15

214/15 - BA13252 - Unit 1Y & Z Casemates Square - Consideration of changes to balcony, canopies, fascia sign and totem signs

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

215/15 - BA13419 - 133 Main Street - Consideration of sample for cladding to discharge condition

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

216/15 - BA13433 - 11/5B Benzimra's Alley - Minor internal modifications

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

217/15 - BA13469 - 15 Shorthorn Farm, Europa Road - Proposed minor extensions to kitchen and first floor balcony and new internal access to basement

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

218/15 - BA13478 - 12/2 Castle Steps - Application to install stove and flue

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

219/15 - BA13480 - North Mole - Application to install various security upgrades, ticket office and taxi bay with canopy - HMGOG Project

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

220/15 - BA13482 - Don House Arcade, 30/38 Main Street - Application to install spiral staircase and enclose walkway as previously approved

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

221/15 - BA13483 - 5 & 7 George's Lane - Proposed refurbishment of building with change of windows and internal alterations

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

222/15 - BA13489 - 24B Casemates Square - Change of use from office to sports injury clinic

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

223/15 - BA13490 - 2 Governor's Parade - Strip out and safe disposal of existing dry riser. Installation, testing and certification of new dry riser system

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

224/15 - BA13496 - Terrace, Leanse Place, Town Range - Installation of air conditioning unit on roof terrace

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

225/15 - BA13500 - Rock Hotel, 3 Europa Road - Installation of quad band panels to existing antennas on site

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

226/15 - BA13502 - Caleta Palace Hotel, Sir Herbert Miles Road - Replacement of four existing antennas on site with two 4G multi band antennas

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

Approved
DPC meeting 4/15
22/4/15

227/15 – BA13503 – 4 King’s Yard Lane – Proposed refurbishment, alterations and new sign

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

228/15 – BA13506 – Windmill Hill – Replacement of two antennas on site with 4G multi-band antennas

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

229/15 – BA13507 – Sunnyside House, Naval Hospital Road – Installation of quad band panels to existing antennas on site

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

230/15 – BA13508 – Buffadero Battery, Windmill Hill Flats – Deployment of 4G wireless equipment, replacing existing antennas on site with 4G multi band antennas

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

231/15 – BA13509 – 17/4 Gardiner’s Road – Application to extend existing pool terrace above lower level terrace with the installation of glass curtains

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

232/15 – BA13510 – Block 9, Europort Building, Europort Avenue – Proposed installation of triple array panels on existing antenna and installation of an additional 4G multi-band antenna facing south

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

233/15 – BA13511 – Rooftop, International Commercial Centre – Replacement of six existing Gibtelecom antennas on site with three 4G multi band antennas

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

234/15 – BA13512 – Rooftop, Atlantic Suites – Proposed installation of triple array panel to existing antenna on site

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

235/15 – BA13513 – Rooftop, Leisure Island – Replacement of existing three antennas on site with three 4G multi band antennas

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

236/15 – BA13516 – 52 Prince Edward’s Road – Proposed minor internal alterations

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

237/15 – BA13517 – 9 Benzimra’s Alley – Change of use to hairdressers, external alterations and new projecting sign

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

238/15 – BA13518 – Park & Ride Car Park, Devil’s Tower Road – Replacement of three existing antennas on site with three 4G multi band antennas

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

Approved
DPC meeting 4/15
22/4/15

239/15 - BA13520 - Suite 975 Europort - Application for internal alterations

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

240/15 - BA13521 - 507 Cumberland Terraces - Minor internal alterations

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

241/15 - BA13524 - Unit 21B Ocean Village - Proposed replacement of doors

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

242/15 - BA13526 - Rooftop, The Haven, John Mackintosh Square - Consolidation of existing antennas on site into three 4G multi band antennas

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

243/15 - BA13534 - John Mackintosh Square - New pillar box

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

244/15 - BA13535 - Block 5, 501 Europlaza - Application to install glass curtains

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

245/15 - BA13536 - 4 Horse Barrack Lane - Proposed change of use to hairdresser and tattoo parlour and projecting sign

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

246/15 - BA13537 - Majestic Ocean Plaza, Ocean Village - Replacement double doors

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

247/15 - BA13540 - Unit 10, Europa Pass Battery, Europa Road - Proposed alterations and refurbishment

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

248/15 - BA13541 - 23B Naval Hospital Hill - Proposed installation of solar thermal panel unit (Christopher Key stepped in to consider application in place of Paul Origo who is the applicant)

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

249/15 - BA13548 - 16-20 Castle Street - Refurbishment of existing building and internal modifications to increase number of residential units from 11 to 16

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

250/15 - BA13556 - Withams Road - Application for centralized refuse cubicle

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

Any other business

251/15 - Next meeting

The next DPC meeting will be held on Wednesday 20th May 2015 at 9:30a.m.