

APPROVED

DPC meeting 4/13

14/3/13

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 4<sup>th</sup> meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 14<sup>th</sup> March 2013 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 G Matto (GM)  
*(Senior Architect)*
  
  - Mrs C Montado (CAM)  
*(Gibraltar Heritage Trust)*
  
  - Mrs J Howitt (JH)  
*(Environmental Safety Group)*
  
  - Mr J Collado (JC)  
*(Land Property Services Ltd)*
  
  - Mr J Mason (JM)  
*(Rep Commander British Forces, Gibraltar)*
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)  
*(Deputy Town Planner)*
  
  - Miss K Lima  
*(Minute Secretary (Ag))*
- Apologies:**
- Mr M Gil (MG)  
*(Chief Technical Officer)*
  
  - Dr K Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*
  
  - Mr C Viagas (CV)  
*(Heritage & Cultural Agency)*

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**Approval of Minutes**

**99/13 – Approval of Minutes of the 3<sup>rd</sup> meeting of 2013, held on 19<sup>th</sup> February 2013**

JH asked KL to make one minor amendment to minute 35/13 approved in the meeting of 19<sup>th</sup> February to read ‘Clean Up the World’ instead of ‘ESG’:

*35/13 – BA12393 – Devil’s Gap Path – Proposed refurbishment of path – GOG Project*

*DTP said that this proposal is for a similar refurbishment as was done at Mediterranean Steps. He said that works will include the installation of safety barriers, signs and benches.*

*From a Planning point of view DTP said that this was a welcomed improvement. He said that the benches should be located carefully to ensure that they do not cause nuisance in respect of noise and litter control.*

*The Chairman said that an e-mail had been received from a neighbour of the area with recommendations. He said that he had passed this email to CV as project manager. CV confirmed that all items raised will be considered.*

*JH said that this area has been cleared by **Clean Up the World** throughout the past few years, as it has been neglected. She said that this is a welcomed project and highlighted that maintenance is crucial. MEH agreed that this area has long been abandoned and that refurbishment is necessary. He said that maintenance will be carried out.*

*CAM suggested that it would be a good idea if the heritage features of the area could be enhanced. MEH concurred and said that interpretation should be provided on flora/fauna and heritage.*

The minutes of the 3<sup>rd</sup> meeting of 2013 held on 19<sup>th</sup> February 2013 were approved by the Commission.

**Matters Arising**

**100/13 – Ref 1198/006/13 – Bus Shelters, various sites – Proposed advertisements**

This item was deferred as the applicant has not submitted revised details.

**101/13 – BA12409 – 8-9 Fish Market Road – Proposed change of use from storage to canteen**

DTP reminded the Commission that in the previous meeting they had objected to the proposal to install a chimney. He said that the applicant has reduced the height of the chimney to just over 1 metre in height. The applicant has also removed the proposal to have a storage area in order to accommodate the Commission’s request to allow public access through the unit. DTP told the

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Commission that the Ministry for Heritage continues to object to the principle of adding things to the structure.

JC highlighted that the tenant's have a lease for the unit so they will most probably request a payment from Government in order to give up part of the unit for public access. He said that the Commission cannot demand that they open up their unit.

The Chairman said that a condition in the permit could be that they must open up the unit to allow public access. He also asked the Commission whether they wish to accept the revised chimney proposal.

CAM said that there are existing vents on the roof of the premises and requested that the applicant use one of these vents for the chimney.

The Commission approved this application subject to the applicant routing the kitchen extraction through an existing vent and the applicant releasing ownership of the tunnel to create a public access.

**102/13 – BA12423 – 156/4 Main Street (Piazza) – Proposed replacement of canopies/parasols with louvre canopies**

**BA12424 – 156/3 Main Street (Piazza) – Proposed replacement of canopies/ parasols with louvre canopies**

The principle of enclosing the area covering the tables & chairs by an appropriately designed canopy was approved but the decision of approving the submitted design was deferred pending submission of more in-keeping designed canopies.

**103/13 – BA12429 – Calpe Road – Proposed centralized refuse cubicle – GOG Project**

This item was deferred pending revised designs.

**Major Developments**

None

**Other Developments**

**104/13 – BA11358 – 122 Main Street – Request to dispense with condition**

DTP informed the Commission that Planning Permission was granted to the applicant in 2010 for the refurbishment of their shop. A condition of the permit was that they had to remove the granite on their shop front. DTP said that the applicant did not comply with this condition so the matter was taken to court where the ruling was that the applicant must remove the granite by May 2013 being the expiry date of the permit.

DTP said that the applicant had requested an opportunity to address the Commission.

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The Commission welcomed the applicant Mr V Budhrani.

Mr Budhrani told the Commission that in 1999 he obtained Planning Permission to undertake works in his shop which included refurbishing their shop front using granite. He said that they later requested permission for the internal refurbishment of their shop and said that they had not noticed the conditions relating to the exterior which were included in this permit as they had simply requested permission for works to the interior.

Mr Budhrani claimed that they have spent 22,000 Euros on the interior of their shop and that in order to comply with the condition to remove the granite façade they would have to spend an additional £4000. He said that he considered this condition unfair since they were given permission for their granite shop front in 1999-2003. Mr Budhrani also said that the shop adjacent to theirs also has a dark granite polished finish and that removing theirs would create an eyesore.

DTP confirmed that the ruling of the court was on legal terms and that they would have to remove the marble by May 2013 unless the DPC removes this condition.

DTP asked Mr Budhrani whether they have any future refurbishment plans for their premises and whether they would be liaising with their neighbour. Mr Budhrani said that the owner of the adjacent shop has changed various times but that they would work with them and the Town Planners.

The Chairman recalled the sequence of events saying that in 1999 the applicant was granted permission but that when they requested permission for more recent changes, the Commission's policy was no longer to allow polished granite in Main Street shop fronts. He said the change in policy has in this case affected the applicant.

The applicant asked when the policy changed, saying that there are shops that have recently changed their shop front to glossy marble. The Chairman confirmed that the policy changed in 2009 with the publication of the Gibraltar development Plan.

The Chairman told the Commission that the granite frontage received DPC approval in 1999 and said that in his opinion it would be unfair to insist on removal. JC concurred with this.

DCM said that in his opinion the Commission should review its decision.

The Commission agreed to waive the condition and allow the applicant to retain their granite shop front.

**105/13 – BA12062 – The Ship, The Tower, Marina Bay – Proposed roofing of conservatory, partition wall and curtain glazing – Revised roof design – glazed retractable roof**

DTP told the Commission that the applicant has submitted revised roof designs which involve a glazed retractable roof. He said that the original application was to install sandwich insulated panels similar to the adjacent restaurant.

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DTP highlighted two issues which would arise if the revised scheme were approved; aesthetics and noise affecting residents.

DTP said that the Landlord had raised concerns with regards to noise levels affecting residents when the original application was first presented to the Commission. The Environmental agency had also requested the installation of sound proofing in the ceiling at the time of the original application.

DTP added that the neighbour who resides directly above the restaurant has objected to the revised proposal, claiming that this roof would not have sound insulation and would result in loss of privacy and cigarette smoke rising to their property. The Management Company has also expressed preference for a fixed roof.

DTP told the Commission that the applicant has confirmed that there would be some degree of sound proofing and that customers would not be allowed to smoke in this area. The applicant also insists that the new proposal would not lead to any extra loss of privacy.

From a Planning point of view, DTP said that there is concern with nuisance to neighbours and aesthetics. He said that the original proposal would be in line with the adjacent roof treatment. DTP recommended refusal of the amended roof design.

DCM said that he would tend to agree with planning recommendations.

The Commission did not approve the revised design.

**106/13 – BA12284 – Prince Edward’s Road – Proposed telecommunications cabinet**

DCM declared an interest as Chairman of Gibtelecom.

DTP explained that Gibtelecom has presented an alternative site for one of their cabinets as the original site created problems with utilities. The revised proposal includes removal of the walls of an old refuse area.

DTP asked JC whether he could provide any information as to who occupies the garage adjacent to the proposed site.

JC said that the garage has not been in use because the refuse area was obstructing access.

The Chairman said that he did not support this scheme and asked whether it would be possible for Gibtelecom to buy the garage and place the cabinet inside.

JC highlighted that other cabinets which are being installed elsewhere do not have any designs as requested by the DPC. The Chairman said that they are being installed and that these will then be reviewed and designs placed on those which the Commission feels require it.

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JH said that she thought the designs would be placed on cabinets before these are installed. The Chairman insisted that the decision was that DPC would review the need for screening on a case by case basis.

The Commission agreed that Gibtelecom should be asked to negotiate with Government as to the possibility of using the garage.

The application was carried forward.

**107/13 – BA12297 – 18 The Island, Queensway Quay – Proposed internal and external alterations**

DTP informed the Commission that a number of representations and counter representations have been received in respect of this application.

DTP told the Commission that the applicant is requesting permission for minor internal alterations in the basement level of his property. The applicant wants to excavate an area in his front garden to allow direct access from the basement level to the garden.

The Commission welcomed Mr Stephen Catania on behalf of the objectors Marina Properties Ltd, Mr Butler and Mr Levy.

Mr Catania told the Commission that his clients are objecting to the external development and excavation. He said that their main concern is with the excavation proposal as the property is situated on reclaimed land. He said that at the moment reclamation works are guaranteed by the company responsible for carrying out the reclamation but that his clients are concerned that this guarantee will be lost if excavation works are carried out and there is a subsequent problem.

Mr Catania also said that his clients' second concern is that this is a development of 19 houses with leases that prohibit external alterations.

Mr Catania suggested that approving this application would create practical problems as the applicant would have a permit to construct but if the Headlessor objects, he would have to go to court and that this would then involve legal costs and other considerations. He said it might also encourage other residents to follow suit. Mr Catania also referred to Section 22 of the Town Planning Act and highlighted that the visual amenity of consistency of appearance of the houses will be lost.

The Chairman asked Mr Catania whether the objectors would accept this proposal if the applicant uses the same contractor who carried out the original works. Mr Catania said that he is not aware that the same contractor is being considered.

Mr Catania also told the Commission that his client had proposed alternative plans in which access from the basement to the garden area would not require excavation. DTP confirmed that the applicant was not in favour of this proposal as it did not meet his requirements.

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JC said that he did not understand why the objectors are claiming that the original guarantee for the reclamation works would be lost. Mr Catania said that in practice if approval is given there might be other residents interested in doing the same, and one might not create a problem but others might.

The Chairman questioned why the residents have not considered this together. Mr Catania insisted that they all purchased their properties knowing that these external alterations cannot be done and if approved, they would be breaching their legal commitments.

GM said that the purpose of the DPC is essentially to give permission to changes. The Chairman added that the DPC has given permission to previous alterations, for example pools, and that the Commission is not party to legal commitments.

JH asked Mr Catania why they are objecting if previous studies have been carried out and confirmed that the area is geographically sound.

DCM asked DTP whether the proposal suggested by one of the objectors has been rejected by the applicant. DTP confirmed that the proposal was presented to the applicant and that they were not happy with the suggestions.

MEH said that decisions taken by the DPC do not override legal obligations. Mr Catania said that in practice it causes problems and that Headleases issued by Government often say that alterations are not allowed. JC clarified this saying that Headleases do not say that you cannot make alterations, but rather that you need prior permission.

DCM said that the DPC is not Government and that applications are always considered in two stages; Planning stage (DPC concerned) and Landlord stage (Government concerned). He asked whether Landlord consent needs to be given before permit. The Chairman confirmed that this is not the case.

Mr Catania said that in principle he agreed with DCM but that this is not happening. The Chairman disagreed saying that the Landlord has a duty of injunction regardless of a permit having being granted. Mr Catania said that from his side the legal considerations need to be considered.

The Commission thanked Mr Catania and welcomed the applicant Mr Scott.

Mr Scott told the Commission that AKS have confirmed that there are no technical issues. He said that he believes that the objection is personal. He said that the alternative suggested is impractical. He added that if Mr Butler had performed his legal obligation he would no longer be Headlessor.

MEH said that he thought that the reasons for objection and history between neighbours mentioned by the applicant were not relevant.

The Chairman asked Mr Scott how long he has resided in his property and whether there is a real need for these changes. Mr Scott said that there is only one reception room and that they require

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the space for their 3 children. He said that they want to create direct access from the playroom in the basement through side doors to the garden.

The Chairman asked Mr Scott whether he served notice on the other owners. Mr Scott confirmed that he served notice on the Management Company.

DCM asked Mr Scott whether it is his intention to undertake works without the Landlord's consent. Mr Scott said that at the moment the Management Company is Mr Butler and that he is not supportive of his application.

JH asked the applicant whether he knew when the responsibilities of the Management Company will be passed on to the residents. Mr Scott said that this should be imminent.

DCM also asked Mr Scott whether his fellow residents are objecting. Mr Scott said that he understands that his immediate neighbour has no objection and that one neighbour has objected on technical grounds.

The Chairman confirmed that 4 objections have been received; one from the Management Company and 3 from residents.

DCM suggested that perhaps it would be beneficial for the DPC to see a photo montage. He also suggested deferral and a site visit to be arranged.

DTP said that works are minor in terms of visual effect. He referred to the two major issues excavation and any structural effects this might have, and the aesthetics of the proposal. He said that the first issue is a matter for Building Control to determine and with regards to the second, DTP said that the new layout will hardly be visible, if at all, from the road or sea side so there is no Planning objection. DTP also referred to a third issue which is the guarantee for the Island. He said that this latter point is not an issue concerning the DPC. With regards to restrictive covenants in the lease, DTP said that although he understood that difficulties might arise this was not a material issue to be considered by the Commission.

The Commission decided to take a vote on this application with the following result:

7 in favour

0 against

0 abstentions

The Committee approved this application but agreed that a letter should be sent to the applicant informing him that Landlord consent is required in addition to planning permission

**108/13 – BA12378 – 3-5 Cannon Lane – Proposed 2<sup>nd</sup> floor extension onto terrace and internal alterations**

DTP told the Commission that legal advice had been sought and that the previous issue regarding ownership of the property has been resolved to the extent that the procedurally the application could be considered and that the applicant had submitted documentation demonstrating that he is the freehold owner of the property.

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DTP said that the ground floor will not be affected by this proposal. The applicant is requesting permission for minor internal alterations, changes to fenestration and an extension across the top of the building.

DTP referred to the elevation designs presented by the applicant and said that he has discussed the elongated window on the second floor of the property on the Cannon lane elevation with the applicant as it is not of normal proportions. DTP said that the applicant has agreed to remove this window.

DTP said that the Ministry for Heritage has objected to the proposed extension as it would be out of character. He also said that the Technical Services Department has advised that the existing features of the terrace should be retained instead of installing glazed panels as proposed by the applicant.

From a Planning perspective, DTP welcomed the rationalisation of the fenestration and said that the main concern is the overhang of the extension on the front of the building which makes it quite imposing. DTP recommended reducing the overhang.

MEH concurred with comments made by the Ministry for Heritage.

CAM said that in her opinion the glazing and overhang would look aesthetically pleasing in isolation but said that the extension would look out of character in the context of the building as a whole.

GM said that there is a grave inconsistency between the style of the lower and upper floors and suggested that this might be a good opportunity to suggest changes.

DTP told GM that the lower and upper floors are owned by different persons and that his suggestion might not be supported by both.

The Chairman reminded the Commission that this is a full planning application and that the Commission could either defer and ask for revised designs, or approve and suggest re-cladding and other changes.

The Commission agreed to request the applicant to redesign the contemporary extension on the 2<sup>nd</sup> floor of the building as the Commission did not consider the current proposal was sympathetic to the building.

**109/13 – BA12412 – The Anchorage, Rosia Road – Proposed swimming pool**

DTP told the Commission that the Ministry for Heritage has objected to this proposal as they are concerned that it could affect the structure of the magazine. If approved, they have requested an Archaeological Watching Brief as a condition in the permit.

CAM concurred with the comments above and asked whether there was really a need for this since they already have a pool on-site. DTP said that they want an external pool.

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The Commission approved this application subject to an Archaeological Watching Brief being carried out.

**110/13 – BA12416 – 33/7 Naval Hospital Road – Proposed extension and alterations**

DTP told the Commission that the proposal includes various internal alterations, an extension on the flat roof and an extension over the light well on the north side.

One objection has been received from the resident of 33/6 Naval Hospital Hill. The objector has raised concerns with regards to the stability of the beams to his property over which part of the extension is to be constructed. DTP informed the Commission that the applicant has confirmed that they would need to check the stability and either repair or replace if there are any problems or alternatively design it so that the load of the extension is not taken by the beams but by the structural walls. DTP said that this would be monitored by the Department of Building Control. DTP added that there are no Planning objections.

JC drew the Commission's attention to the air conditioning units on the north elevation. DTP confirmed that these are existing and unrelated.

The Commission approved this application.

Following approval by the Commission, Mr Portainer, who was sat in the audience, raised his concern over access to a store which he rents within the property in question. The Chairman confirmed that the Landlord must allow access to the store and that they must agree amongst themselves. A representative of the Landlord, who was also in the audience, told Mr Portainer that the Landlord agreed to meet with him and come to an agreement. The Chairman added that if an agreement is not made, then the plans should be revised and presented to the Commission again.

**111/13 – BA12432 – 1 Admiral's Place – Proposed balcony extension and enclosure of part of terrace**

DTP said that the Ministry for Heritage has suggested that the curtain glazing should have smaller frames to suit the character of the building. From a Planning perspective, DTP said that this would be more intrusive and afford less privacy to the applicant.

The Commission approved this application subject to the use of a frameless curtain glazing system for the enclosure of the terraces.

**112/13 – BA12434 – Cheshire Ramp/Buena Vista Parade North Gate – Proposed demolition of garage and creation of parking spaces, construction of substation and erection of satellite dish**

DTP informed the Commission that the parking spaces will be for use by residents of Cheshire House. With regards to the satellite dish, DTP said that he had previously been on-site with CAM and the Ministry for Heritage to investigate an alternative site for a satellite dish. Since then the applicants had determined the need for a larger diameter dish and identified the application site as being suitable as it was not very visible

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JC said that he was not sure if the residents of Cheshire House have been notified of the intended location for the satellite dish. The Chairman added that he did not consider it appropriate for the Commission to approve the installation of a satellite dish on another person's land.

The Chairman asked why the garages are being demolished. DCM confirmed that the garages are very narrow.

DTP told the Commission that, a section of rock which protrudes on to the road will have to be removed to provide for adequate turning circles out of the housing site MEH said that this should be looked at before it is approved.

DTP also said that the Ministry for Heritage have objected as the application to create a substation would involve making a trench through the area of North Gorge in order to install services. If approved they have requested an Archaeological Watching Brief and to be able to liaise with the applicant to identify the most suitable route

With regards to the installation of services, MEH said that care has to be taken since North Gorge is riddled with caves underneath.

A representative of the applicant, who was in the audience, confirmed that the new connections would follow the existing route used by the MOD. He said that they would simply be replacing the old cables.

CAM said that if existing trenches are used they would reduce any possible impact but that an Archaeological Watching Brief should still be conducted.

The Chairman suggested that the substation should have a green roof. The applicant confirmed that this should not be a problem.

The Commission approved the demolition of the garage, creation of parking spaces, the installation of a satellite dish and the substation subject to an Archaeological Watching Brief.

**113/13 – BA12438 – 26 Iberis House, West View Park – Proposed glass curtains to balcony**  
**BA12442 27 Iberis House, West View Park – Proposed glass curtains to balcony**

DTP suggested that the Commission consider the above applications simultaneously. He said that these issues are normally dealt with by the sub-committee but that since they are the first within this development, they have been brought to the DPC for comment.

DTP explained that it had been agreed with the management company that a standard design would be agreed and that residents would then need to comply with this in any future applications. DTP presented the standard design that proposed a frameless curtain glazing system with top and bottom tracks. He said that there is also a possibility to install a trellis to the side of the balconies. Any future applications would have to comply with what is approved.

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The Commission approved the standard design and both applications were approved subject to complying with the standard design.

**114/13 – BA12444 – 175 Main Street – Proposed redevelopment involving change of use of 1<sup>st</sup> floor shop to office, 2<sup>nd</sup>- 4<sup>th</sup> floor residential to office and building over light well at 3<sup>rd</sup> and 4<sup>th</sup> floors**

DTP told the Commission that a new entrance to the top floors will be created from Main Street, resulting in slight alterations to the ground floor frontage. The light well area will be covered over and used as the central circulation system. DTP also referred to the elevation drawings which show a general improvement of the facade, with small Juliet balconies, refurbished windows and the removal of services. No objections from members of the public have been received.

DTP reminded the Commission that the usual policy is that the upper floors of buildings in the Town Area should be residential but that these have been abandoned for years and are in a very dilapidated state. He said that to be consistent, a written report confirming the structural condition and state of the residential units should be submitted by the applicant. DTP added that there are no Planning objections.

MEH said that swift nests should be included as a condition in the permit.

JH suggested that perhaps the Commission should request that the building be refurbished for residential use. The Chairman said that there is also a demand for office space and that perhaps a mixed use might be more convenient.

The Commission approved the application subject to mixed use including shop, office space and residential and the submission of a condition report

**115/13 – BA12447 – Magazine Chamber, Ragged Staff Road – Proposed automobile museum and recreational centre – GOG Project**

DTP said that the proposal involves the conversion of the magazine at Ragged Staff Road which currently provides 67 motorcycle parking spaces, into a museum and recreational centre. In terms of physical changes DTP said that there will be a glazed entrance to the magazine, a mezzanine level, a glass lift and toilet facilities.

DTP said that the Ministry for Heritage have welcomed greater use of the magazine but feel that an automobile museum is at odds with the recreational use. They have expressed concern with setting a precedent of Government funding exhibitions which are not related to Gibraltar. They were also not clear from details provided as to necessary works to provide services.

From a Planning point of view, DTP said that they welcome greater use of the magazine but noted that there would be a substantial loss of motorcycle parking. He said that there are no objections in terms of the physical elements of this proposal.

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The Chairman said that they were not certain of who is managing this project on behalf of Government and have therefore, been unable to address issues with those responsible. GM agreed to find out who is responsible for this project.

The Chairman asked who will be responsible for the management of these premises. DCM said that those were not issues to be considered by the DPC. Both the Chairman and JH said that more information on this proposal would be beneficial.

GM agreed to familiarise himself with those responsible and send an email to the Commission with further details.

**116/13 – BA12449 – 1A Engineer Rod – Proposed demolition of existing 2 storey dwelling and redevelopment of site with 9 storey residential block**

DTP informed the Commission that Planning permission was previously granted to the adjacent site for construction of a 4 storey building.

This proposal involves the creation of ground floor garages, 8 two bedroom apartments and 11 parking spaces. On the 6<sup>th</sup> floor of the development, the proposal is to create a link bridge to a recreational deck. DTP added that there is a World War Two bunker at the rear of the property and that the applicant has confirmed that they would retain it.

DTP said that no public comments have been received. From a Planning perspective, DTP said that the proposal would have an impact on the general appearance of the area. He said that in the past there have been discussions on how to minimise the impact of the adjacent old casino site and that allowing this would encourage the contrary. DTP also said that he was not clear on how the bunker would fit into the development as plans show parking on that site. He also said that there is no similarity between this proposal and that approved for the adjacent site.

DTP recommended a radical redesign to include set-backs and softening of the structure. The Commission members agreed with his recommendations.

The Commission refused this application due to its scale, massing and design.

**117/13 – BA12450 – Ex Royal Gibraltar Yacht Club – Proposed demolition and creation of new car park**

**BA12465 – Ex Royal Gibraltar Yacht Club – proposed demolition of building and facilities**

DTP suggested that the Commission consider the above applications simultaneously.

DTP told the Commission that a total of 231 parking spaces will be created and that vehicular access would be from the road between the site and the Rooke. The proposal will also involve the realignment of the Roundabout on Queensway.

DTP said that in principle there is no objection but that no details with regards to the treatment of the boundary of the new car park have been provided. DTP suggested that landscaping should be introduced and that there should also be provision for motorcycle parking.

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DTP said that the Ministry for Heritage have not objected to the demolition of the buildings at the old Yacht Club.

CAM said that the building does have some heritage value but that the main concern of the Heritage Trust is the limited time frame in which they have been consulted. CAM also told the Commission that at one point there was a cannon sunk into the ground in this area and that if it is still there it should be preserved.

DTP said that the Commission could recommend that the cannon be salvaged. MEH suggested that perhaps the building in which the cannon might be located could be the last to be demolished.

DCM told the Commission that there was a proposal by the previous Government to build on this site and that this is currently being discussed. In the meantime however, he said that Government wants to put the area to use.

The Chairman also recommended that the parking be designed in a way that will allow any existing trees to be retained. The Commission agreed with this recommendation.

**118/13 – BA12464 – Castle Road – Proposed centralised refuse cubicle – GOG Project**

DTP said that there is no planning objection to this proposal but that they might have to liaise with the relevant department since permission was given for Gibtelecom to install a cabinet in this area and this might conflict with this proposal. DTP also told the Commission that AquaGib have informed them that there are services and fibre optic cables running through this area.

JH highlighted that there was a disabled parking space in this area. It was confirmed that this bay would have to be reprovided.

MEH said that the Ministry of Environment should be asked to consult with AquaGib and Gibtelecom and look into the issue of the disabled parking space.

**119/13 – BA12468 – Ex MOD Fleet Pavilion & Naafi, 9 Queensway – Proposed demolition**

The Commission approved the proposed demolition and creation of a temporary parking.

**120/13 – BA12470 – Sister’s Quarters, Old St Bernard’s Hospital – Proposed demolition of building**

This item was deferred.

**121/13 – Ref 1195 – Arengo’s Palace – Proposed removal of 3 No Pittosporum trees**

DTP said that the proposal for the removal of trees conflicts with the condition included in the permit for the redevelopment of the property and which required their retention. DTP confirmed however, that having visited the site again he could confirm that the trees were located in an area that was going to be incorporated into the house under the approved scheme. DTP said that the trees were assessed by the Ministry of Environment who recommended approval and replanting elsewhere. He also said that there has been a minor change to the previously approved scheme as

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the contractors found that the parapet wall is not safe and needs to be removed. The amended proposal was to replace the parapet wall with railings. There is no Planning objection to the proposed amendment.

The Commission approved the dispensing of the previous condition in relation to the trees subject to planting of 3 new trees and approved the proposed amendment to the front elevation.

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

**122/13 – BA12426 – 62-64 Irish Town – Proposed installation of roof mounted generator and 3 satellite dishes**

The Commission approved this application.

**123/13 – BA12466 – 2 Casemates House, Casemates Square – Proposed refit of existing unit as cafe/shop**

DTP told the Commission that the applicant is seeking approval for mixed use; cafeteria and newsagents (WH Smith). DTP said that there are no planning objections but that the flag and box sign which are included in the design for the front of the premises would not normally be permitted. He said that perhaps the WH Smith logo could be incorporated into the glazing of the window.

JC said that it is probably important for them to have the corporate sign but that the flag might be an issue. The Chairman said that he would discuss this matter with the applicant.

The Commission approved this application with the exception of the box sign and the flag sign.

**124/13 – Ref 1195 – 3B Rosia Parade – Proposed removal of Aleppo Pine**

DTP told the Commission that the applicant is concerned over the stability of the boundary wall of their property as the tree is leaning against it. He said that the applicant has already tried to cut back part of the wall but that 8 months later further cracks have appeared.

DTP said that the Department of Environment has confirmed that the tree is in no danger of falling and have recommended that the applicant rebuilds the wall. However, their report suggested that if the tree continues to lean, the new wall could also be affected.

MEH said that if it is untenable, then the applicant would have to replace with another tree. However, he said that he would try to amend the wall and retain the tree.

JH said that there are support structures which could be used.

The Chairman suggested monitoring the situation for a few months.

MEH suggested asking the applicant to amend the wall and reassess at a later date. The Commission agreed with this suggestion.

**APPROVED**  
*DPC meeting 4/13*  
14/3/13

**Applications granted permission by Sub-committee under delegated powers**

**125/13 – Ref 1198/008/13 – 35 Devil’s Tower Road – Saccone & Speed Proposed sign**

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

**126/13 – Ref 1198/009/13 – Europort Road – Proposed security signs**

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

**127/13 – BA11946 – Buena Vista Barracks, 40 Europa Road – Proposed demolition of low wall**

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

**128/13 – BA12213 – 7 Arengo’s Palace Lane – Proposed part demolition and alterations to existing structure**

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

**129/13 – BA12354 – Flat 216 Block 2 Watergardens – Proposed internal alterations**

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

**130/13 – BA12355 – Flat 536 Block 5 Watergardens – Proposed internal alterations**

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

**131/13 – BA12382 – Essardas, 121 Main Street – Proposed shop refurbishment**

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

**132/13 – BA12383 – 105 Main Street – Proposed shop refurbishment**

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

**133/13 – BA12387 – Ex Celebrity, Unit 19 Ocean Village – Proposed division of existing restaurant**

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

**134/13 – BA12392 – Suite 735 Europort Building – Office refurbishment**

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

**135/13 – BA12394 – 15/21 John Mackintosh Square – Proposed refurbishment**

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

**136/13 – BA12427 – 28 Sunnyside House, Naval Hospital Road – Internal alterations**

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

**137/13 – BA12428 – 68/70 Governors Street – Minor alterations to inner patio area**

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

**138/13 – BA12443 – 1A Waverley House, Cumberland Road – Proposed alterations**

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

**APPROVED**  
*DPC meeting 4/13*  
*14/3/13*

**139/13 – BA12448 – Leisure Island (external area) – Proposed installation of gangway access for HMS Pickle**

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

**140/13 – BA12454 – 17c Elliot’s Battery – Minor internal alterations**

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

**Any Other Business**

**141/13 – Next Meeting**

The Commission agreed to next meet on Thursday 25 April at 09.30 am.