



GOVERNMENT OF BERMUDA

Department of Planning

## Application for Revisions Process

### Guidance Note for applicants

Updated July 2014

#### Introduction

Current planning legislation makes no reference to Revisions to planning applications once they are formally approved. However, in order to ensure that very minor changes to approvals can progress and the system does not get burdened with dozens of minor applications, the practice in most jurisdictions, Bermuda included, has been to approve some level of Revisions to existing approvals. This note has been prepared to offer advice on the scope and extent of what can be considered under the Application for Revisions process in order to ensure consistency of approach.

The guiding principle should be that the extent of the Revision should not go beyond the scope or be substantially different in other respects, from that which either the Development Applications Board or the Minister initially approved.

#### Forms

##### **Application for Revisions screening checklist**

A Revision screening form has now been adopted ( dated February 2012) which will be used for initial screening by reception staff in the Department of Planning to make sure basic information is included. This is available on the Department's website and agents should make themselves familiar with the requirements. Revisions which do not include the basic level of information will be returned to agents for completion. If a proposal cannot be accepted as a revision, the reason will also be explained on that form.

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**Application for Revisions form (Green Form)**

The Revision form itself has been updated (dated February 2012) in accordance with these guidelines and a copy is also available on the Department's website.

It is important to make sure that all amendments being sought are BOTH itemized on the form and are bubbled and highlighted on the submitted plans. Only those so identified will be approved as part of the Revision process.

In respect of plans, it is not necessary to resubmit a full set of plans; only those plans to be amended as part of the revision. The original plan numbers should be used with an amended suffix to avoid confusion.

If the Revision is approved, a decision letter will be issued which formally approves the Revision for both Planning and Building Code purposes. For the avoidance of doubt it will set out precisely what has been approved in the Revision description.

**General Scope of Revisions**

The following is for guidance only and there may be specific site circumstances where the listed criteria are not applicable.

1. A Revision which does not materially worsen the relationship with an adjoining property by a change in external elevations/grade/height/ proximity or extent of any overlooking
2. Minor additions generally not exceeding 250 sq ft. in site coverage and not located within any setback nor resulting in overall non compliant site coverage.
3. Minor changes to fenestration or architectural detailing
4. Other changes which would ordinarily be approved via the Permitted Development Permit Process under the General Development Order.
5. Minor internal changes which do not result in any additional dwelling units, including those that decrease the number of units.

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6. Changes to parking or landscaping layouts which do not impact upon adjoining property.

7. Minor encroachment of non compliant residential setbacks which were approved as part of the original approval and where existing grade changes mean there will be no perceptible impact upon the adjoining property. Neighbour's acknowledgment to be provided. **(All such Revisions to be reported to the Development Applications Committee)**

8. Minor encroachment of non compliant setbacks to public roads or Conservation zones which were approved as part of the original approval and where site circumstances dictate there will be no perceptible impact to those areas. **(All such Revisions to be reported to the Development Applications Committee)**

9. Other Revisions which have no impact upon adjoining property and are primarily internal to the site. This will apply in particular to larger projects.

**If there is doubt about what might be acceptable as a revision, then please contact the planning case officer for the original application.**

### **Retroactive Revisions**

The Department of Planning does not condone revised works being carried out prior to a formal approval process and it should be avoided. If on site works are urgent, the Department should be contacted and will endeavour to expedite a revision process.

Accordingly, retroactive revisions will not be accepted by the Department of Planning. A DAP 1 application is required in these cases.

### **Revisions to Permitted Development Permits (PDPs)**

Revisions to PDPs will be subject to the same process and criteria with the Green Form being used for any revision process. The revision must clearly relate to the original PDP that was approved. If different works are proposed then a separate PDP needs to be submitted.

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**What should not be processed as a Revision**

The following is for guidance only and there may be other particular site circumstances why change in scope of works should not be processed as a Revision.

1. All changes which do not satisfy the scope of Revisions identified above.
2. An objection was received for the original application, or there is an outstanding complaint, in respect of any aspect of works affected by the Revision
3. Any increase in numbers of approved dwelling units
4. A change in an access to a Public Road Private Estate Road or Right of Way
5. Any proposal which encroaches into any setback (this includes parking or patio areas) which did not form part of the original approval.
6. The application site differs in terms of any boundary adjustment
7. The height of the main building is increased by more than one foot
8. Changes which would materially change previous consultee comments e.g. septic tank to a cess pit. In such instances, the consultee will be approached first to see if proposed works are still within Revision scope
9. Any rock cut (up to a maximum of four feet) where the depth of the cut is no deeper than its distance from the lot line. Any rock cut on a boundary cannot be dealt with by way of a Revision.
10. Any wall, fence or retaining wall greater than four feet in height within a setback
11. Whole demolition of a structure/building which was shown to be retained as part of the original approval

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## Fees

### 1. Non retroactive Revisions

It has been long standing practice in the past to charge a 'one off' Revision fee of \$155. However the Fee Regulations have always made provision for two sets of fees in recognition of the professional time involved to separately assess a Revision under the Development & Planning Act and the Building Code. The Fee Regulations were amended in 2012 and took effect on 1<sup>st</sup> April 2012. Accordingly the total fee for a non retroactive Revision covering processing for both Planning and Building Control will now be \$310.

### 2. Retroactive Revisions

All retroactive Revisions will be subject to an additional retroactive fee. This will apply when any aspect of the Revision is retroactive. Following the amendment of the Fee Regulations in 2012 as referred to above, the retroactive fee was significantly increased for both Planning and Building Control. From 1<sup>st</sup> April 2012, typical examples of fees which would apply are as follows:

Residential Development under 200 sq ft. = \$8344 (\$6335 Planning fee, \$2009 Building Control fee)

Residential Development over 200 sq ft but under 500 sq ft = \$27090 (\$20755 Planning fee, \$6335 Building Control fee)

For other forms of development and fees required, please see the fee schedule on the Department of Planning's website.

### Neighbours Acknowledgement:

Since all Revisions should not result in any material worsening of any relationship with a neighbouring property, it should generally not be necessary to seek neighbours' acknowledgement for any Revisions unless particular site circumstances suggest it would be appropriate. The exception will be a further minor encroachment of a non compliant setback as indicated in the 'General scope for Revisions' section above.

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### **Amendments which result in new Planning Applications (DAP 1)**

Where a judgment is made that a Revision is outside of accepted parameters a new planning application (DAP1) is required. To avoid confusion with the Revision process, the planning application should be described as:

‘Amendment to previously approved scheme under POXXX/XX. Amendment in respect of.....’

All relevant conditions of the previous file will be carried across to the ‘amendment’ together with any new conditions that are required.

It will be a question of judgment as to whether a full set of amended plans are required. For example it would not be reasonable on a large scheme to insist on a full set of plans where only a small element is involved. If there is any doubt, agents should consult with the planning case officer or senior development control officer beforehand.

### **Building Control Process for Revisions which result in Amended Planning Applications (New DAP1s)**

It makes more practical sense to amend any current active Building Permit than to process a new Building Permit application. If the amended DAP1 is approved, a condition will be imposed drawing attention to the fact that an amended Building Permit application should be submitted. An additional Building Permit fee may also be required, depending upon the scope of works involved. The following process should be followed:

1. Complete an updated Building Permit application form outlining full scope of works now approved (the existing one will be superseded)
2. Provide all required new, updated and revised permit plans required to process the amended permit application, and any required supporting documentation (engineering reports, construction management plan, proof of water rights, controlled plan construction licenses, etc.)
3. Submit existing Building Permit card (green card) with submission for updating for the full scope of works now approved

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4. Pay additional fee for works required or retroactive fee if applicable.
5. If green card has been lost, provide additional \$103 card replacement fee
6. If new works approved under planning generate additional fees based on new square footage or other factors noted in fee schedule, these additional fees must be paid prior to issuance of revised permit (any new Gross Floor area to be highlighted on permit application form)
7. Stamped plans and a new/amended green card will be issued following review and permit approval

**Should you have any queries about any aspects of the above Revision process, please contact the Department of Planning beforehand and speak to the relevant officer. This will save potential delays if the information submitted is incorrect**