



GOVERNMENT OF BERMUDA

Department of Planning

*Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12, Bermuda
Phone: (441) 295-5151 Fax: (441) 295-4100*

Development Applications Board Minutes

Minutes of the meeting held on Wednesday, 17 March 2021 at 8:45 AM virtually via Webex.

PRESENT

Board Members:

Alice Lightbourne (Chair)
Wayne Dill (Deputy Chair)
David Astwood
Patrick Cooper (Corporation of Hamilton)
Denis de Frias
Wendy Dunne
Shabion Postlethwaite
Josonne Smith (Bermuda Fire and Rescue Service)
Calvin Thomas

Technical Officers:

Larry Williams (Assistant Director)
Paul McDonald (Acting Senior Planner)
Dolores Vazquez (Planner)
Nathan Frick (Assistant Planner)

APOLOGIES

None

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING

None

APPLICATIONS

1. P0041-21

Applicant: Western Stars Sports Club

Location: 34 North Shore Road, Pembroke, BM HM04

Description of Proposal: Proposed Addition of New Belco Meter and Three Utility Poles with Sports Light Fixtures. (West Pembroke Primary School Field)

Date Received: 25 January 2021

Planner: Nathan Frick

Discussion:

The technical officer presented the application with a recommendation to approve.

A Board member suggested that the applicant should carry out the consultation he has promised with neighbours before a decision is made by the Board.

Technical officers advised that the applicant has already attempted to make contact with neighbours and is seeking approval imminently for budgetary reasons.

A Board member queried the timescale if the applicant was asked to consult with neighbours.

Technical officers advised that such consultations can typically extend into weeks or months.

A Board member queried the timescale the Department afforded to make representation on the application. Technical officers advised that two weeks were initially afforded to respond to the advertisement and the agent's response to objections was also forwarded to objections, affording a further opportunity to provide comments.

Technical officers further advised that there is no requirement for the applicant to consult neighbours in this case, although the applicant has, nonetheless, already made efforts to consult neighbours, and that neighbours would have the opportunity to appeal the Board's decision.

A Board member put forward an alternative recommendation for the Board to defer the application for a period of two weeks to allow the applicant to consult with objectors.

The Board resolved to defer the application to allow the applicant to consult with objectors to the application.

2. **PLAN-0550-20**

Applicant: Corrado Trust

Location: Lot 3 Lolly's Well Road, North of 43 Lolly's Well Road, Smith's

Description of Proposal: Proposed Detached House (2 Dwelling Units Total) (In-Principle Application)

Date Received: 30 November 2020

Planner: Nathan Frick

Discussion:

The technical officer presented the application with a recommendation to approve.

A Board member queried why technical officers are supporting a 10 foot reduction to the 20 foot setback to the estate road, suggesting that a 5 foot reduction may be more appropriate.

Technical officers advised that the proposed 10 foot setback to the estate road is considered to be reasonable in this instance given the topography of the site, to maximise the distance of the proposed development from the Agricultural Reserve and to allow for planting and a walkway to be provided alongside the estate road.

The Board resolved to approve the application, subject to the following conditions:

1. The development hereby permitted shall begin either before the expiration of 2 (two) years from the date of this permission, or the expiration of 2 (two) years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Notwithstanding the fact that this application seeks in principle approval only, those details relating to use, density, site coverage, siting and layout are hereby approved. The Board reserves for its final approval all details, defined as reserved matters, relating to building height, building design, design, parking, access, external appearance of the building and landscaping.
3. A Conservation Management Plan meeting the informational and qualitative standards of Policy ENV.8, Chapter 6 of the Draft Bermuda Plan 2018 Planning Statement shall be submitted for review and approval with an application for final approval. The Plan shall include a programme for implementation and ongoing maintenance and shall be substantially completed prior to issuance of a Certificate of Completion and Occupancy.

3. PLAN-0521-20**Applicant:** Dwight Tucker**Location:** 12 Rings Court, Warwick, BM WK09**Description of Proposal:** Retroactive Planning Application for Works Completed on Guest Cottage & Utility Rooms.

Proposal to Convert Existing Main House from 2 Dwelling Units into Single Dwelling Unit and Convert Guest Cottage to a 2nd Dwelling Unit.

Date Received: 30 November 2020**Planner:** Dolores B. Vazquez**Discussion:**

The technical officer presented the application with a recommendation to refuse. No questions or comments were posed by the Board.

The Board resolved to refuse the application for the following reason:

1. The proposal cannot be supported under Section 20(2A) of the Development and Planning Act 1974 since the applicant has not demonstrated to the satisfaction of the Board he did not know, and could not reasonably be expected to have known, the development was in breach of planning controls.

4. PREN0009-21**Applicant:** Shawn Perott**Location:** Judkin Lane, Hamilton Parish**Description of Proposal:** Proposed Commercial Excavation for the Quarrying of Roof Slate (Maximum Height of Rock Cut 65 ft.).**Date Received:** 9 February 2021**Planner:** Larry Williams**Discussion:**

The technical officer presented the application with a recommendation to approve the application for renewal for a further temporary period of 18 months from the date of approval. No questions or comments were posed by the Board.

The Board resolved to approve the application, subject to the following conditions:

1. The hereby approved quarrying operations are specific to the application site and, for the avoidance of doubt, no material shall be brought to the site to be processed.
2. For the avoidance of doubt the consent hereby granted is for planning permission only and a separate building permit is required, which has been issued under reference BC-0052-19.
3. In the interest of visual amenity, there shall be no deposition or storage of excavated material on site and all excess unused material shall be removed from the site during the course of building operations and prior to the issuance of a Certificate of Completion and Occupancy.
4. The hereby approved quarrying shall take place only between the hours of 7:00am and 5:00pm Monday through Friday (no Saturdays, Sundays or Public Holidays) unless express written approval is provided by the Department of Environment and Natural Resources and all works shall cease within 18 months from the date of approval or when the stocks of material extracted from the application site have been depleted and reach proposed grades in accordance with this planning permission, whichever occurs first.
5. A request for inspection of the plantings shall be made in writing to the Department of Environment and Natural Resources and copied to the Department of Planning. Approval of the inspection will be required prior to the issuance of a Certificate of Completion and Occupancy. If any trees or shrubs shown on approved plans are removed, die or become seriously diseased or damaged, they shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.

6. A Conservation Management Plan meeting the informational and qualitative standards of Policy ENV.8, Chapter 6 of the Draft Bermuda Plan 2018 Planning Statement shall conform to the standards of DENR-Terrestrial and/or Department of Planning and shall be approved prior to its submission within 3 months of the issuance of a building permit for the site. The CMP shall include a programme for implementation (phasing plan) and ongoing maintenance (after completely implemented) and shall be partially implemented prior to the issuance of a building permit for any further development on the site.

ANY OTHER BUSINESS

None



Mrs. Alice Lightbourne
Chair of the Development Applications Board

Date 18 March 2021