



GOVERNMENT OF BERMUDA

Department of Planning

*Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12, Bermuda
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Development Applications Board Minutes

Minutes of a meeting held on Wednesday, 18 November, 2020, at 8:45 AM Virtually via WebEx.

PRESENT:

Denis de Frias	Malik Richards	Aaron Denkins
Yolanda Bashir-Paige	Paul McDonald	Larry Williams (Assistant Director)
Patrick Cooper	Wayne Dill (Deputy Chair)	Dolores Vazquez
Wendy Dunne	Cheryl Packwood	David Astwood
Alice Lightbourne (Chair)		

APOLOGIES: Victoria Pereira (Director)

ISSUES AND ACTIONS FROM PREVIOUS MEETING: None

APPLICATIONS:**1. PLAN-0358-20**

Applicant: Marico Thomas

Location: 95 Middle Road
Devonshire, BM DV06

Description of Proposal: Proposed Addition to Existing Building to Create New Drive Through Restaurant, Including New Commercial Fridge, Drive Through Area, Pump Room, Electrical Room, Interior Renovations, New Planters (Max Height 2 ft.), Guardrail (3 ft. Max Height), Tarmac and New Ramp, Parking and New Steps.

Planner: Malik Richards

Discussion:

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

The Board member representing the Bermuda Fire and Rescue Service, noting that planning permission had previously been granted for a similar proposal, requested that a condition be added requiring a Fire Certificate to be included in the building permit application.

Technical officers confirmed that such a condition would be included.

The Board resolved to approve the application, as received July 24, 2020 subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved and the building permit application shall include a Fire Certificate.
3. In the interests of visual amenity, the entire site subject of this application shall be landscaped in accordance with the hereby approved plans prior to the issuance of a Certificate of Completion

and Occupancy. Any trees or shrubs shown on approved plans which are removed, die or become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted. Similarly, any trees which are shown as being retained on approved plans and are removed or damaged during the course of excavation or construction, shall require the submission of a revised landscaping plan, via an Application for Revision, showing details of the size, species and number of new plantings to be installed to replace any damaged or destroyed trees.

4. In order to provide for the safe flow of traffic, access details shall conform to the requirements of Policy TPT.11, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement and shall ensure that, at the point of access onto the public road, sight lines for a minimum distance of 120 feet can be achieved in either direction from a point 8 feet back from the edge of the carriageway. The said measures shall be implemented prior to the issuance of a Certificate of Completion and Occupancy and retained thereafter.
5. In order to safeguard the amenity of the neighbourhood, the hours of operation of the hereby approved development shall be 7:00 am to 10:00 pm.
6. Parking and manoeuvring space for 9 cars and 12 cycles together with a loading bay shall be established for use in accordance with the drawings hereby approved and Policies TPT.20 and TPT.22, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement, prior to the issuance of a Certificate of Completion and Occupancy.

2. **PLAN-0381-20**

Applicant: Ms. Deborah Trott & Ms. Margaret Robinson

Location: 149 North Shore Road
Pembroke, BM HM14

Description of Proposal: Proposed Addition of a Laundry Room, Replacement of Bathroom Roof, and Internal Renovations and Alterations.

Planner: Dolores B. Vazquez

Discussion:

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

The Board resolved to approve the application, as received August 10, 2020 subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.

3. **PLAN-0404-20**

Applicant: Overnight Construction Ltd & Dept. of Lands & Buildings

Location: 2 Middle Road A
Southampton, BM SB03

Description of Proposal: Convert Existing Buildings #2 & #4 From Office to Residential via Internal Conversion (2 Units Total).

Planner: Yolanda Bashir-Paige

Discussion:

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

The Board member representing the Bermuda Fire and Rescue Service expressed safety concerns over

the proposed use of the lower level of building 2 for agricultural storage given that the upper floor of this building is proposed to be converted for residential use, particularly given that no details of what would be stored in this area have been provided. This Board member further noted that Tudor Farm has operated in an agricultural capacity years, however the introduction of residential uses will need to adhere to the current Fire Regulations.

The technical officers confirmed that the renovation of Buildings 1 and 3 where the storage for the existing 'agricultural use' occurs was approved under Permit BC-0208-20 and is not part of this subject planning application and recommended that a condition be included requiring the building permit application to include a Fire Certificate together with details of the materials to be stored within the site.

A Board member queried the proposed storage containers and their intended purpose.

The technical officer confirmed that there are no storage containers on site and, whilst these were proposed by a pre-consultation as referenced in the Board report, technical officers advised that the Department would not support the placement of shipping containers on the site.

Five (5) Board members voted to approve the application and three (3) Board members voted to refuse.

The Board resolved to approve the application, as received September 09, 2020 subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of the approved building operations a revision application to building permit reference BC-0208-20 must be made and approved to align the details of the permit to this planning permission, which shall include a Fire Certificate together with details of the materials to be stored in each building within the site.
3. Parking and manoeuvring space for 2 cars and 2 cycles shall be established for use in accordance with Policies TPT.20 and TPT.22, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement, prior to the issuance of a Certificate of Completion and Occupancy.
4. The private outdoor living space shown on the hereby approved plans shall be established for use in accordance with Policies DSN.16 and DSN.17, Chapter 9 of the Draft Bermuda Plan 2018 Planning Statement, prior to the issuance of a Certificate of Completion and Occupancy.
5. Prior to commencement, temporary protective fencing shall be installed as detailed on plan sheet A.100 and shall remain in place for the duration of construction. All temporary protective fencing shall then be removed prior to the issuance of a final certificate of completion and occupancy.
6. For the avoidance of doubt, approval is hereby granted for the conversion of buildings 2 and 4 into residential units only. Notwithstanding any details shown on the submitted plans, neither this planning permission nor building permit reference BC-0208-20 grant approval for any of the remaining structures within the site to be used for any light industrial or heavy industrial use. Any storage use of any building or any part of the site must remain strictly associated with the existing or approved uses (residential and agricultural only).

4. PLAN-0453-20

Applicant: Bermuda Skyport Corporation Ltd

Location: 2 Kindley Field Road
St. George's, BM DD03

Description of Proposal: Proposed Display of Advertisements on the Exterior of Six Jet Bridges (12 Advertisements in Total) at New Airport Terminal

Planner: Paul McDonald

Discussion:

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

The Board sought clarification over whether a different company could advertise on the areas currently proposed and whether more than one advertisement could be displayed on each face of the jet bridges at once.

The technical officer confirmed that the current application proposes only one advertisement of PWC on each side of each jet bridge (12 advertisements in total) and advised that any alternative arrangement would require a revision application.

The Board sought clarification as to whether allowing this proposal would set a precedence for other larger advertisements to be approved in Bermuda.

The technical officer advised that the legislative provisions are to prevent the display of unsightly advertisements and each proposal must be assessed on its own merits.

Six (6) Board members voted to approve the application and two (2) Board members voted to refuse.

The Board resolved to approve the application, as received October 14, 2020 subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of 2 (two) years from the date of this permission.
2. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.

ANY OTHER BUSINESS:

P0301/14 / PLREV-0003-19: 60 South Road, Warwick

The technical officer presented details of approved application reference P0301/14 and approved revision reference PLREV-0003-19 pertaining to Phase 2 of the ongoing Bermudiana Hotel-Condo development and sought the consent of the Board to waive the usual advertisement requirements for an imminent DAP1 application which is required given that the aforementioned permission has now lapsed. Technical officer confirmed that waiving the advertisement requirement would mean that the DAP1 application would not be published in the Official Gazette and no site notices would be displayed. The reasons for this request were expressed to the Board, namely that this project is considered to be of national importance, which could be compromised by a delay of a few weeks, and the DAP1 application would be identical to the development already approved, which lapsed due to the failure of the applicant to submit a renewal application in the legislated time frame.

The Board sought clarification as to whether waiving the advertisement requirements would set a precedent and whether any previous precedence has been set for such a request.

The technical officer confirmed that legislation allows the Board to determine how planning applications are advertised and that this has previously been done for quarrying following storms when there was an urgent need for slate production to repair roofs. The technical officer further advised that such a request is only made to the Board in exceptional cases, typically for projects of national importance with critical time constraints, so a precedent would not be set and the Board reserves the right to determine how planning applications are to be advertised.

The Board queried whether there is a definition of 'national importance'.

The technical officer advised that there is no such definition and that each case must be considered on its own merits, noting in this case that the overall development is substantial and has key economic implications.

The Board queried whether there were any objections to the original planning application.

Technical officers confirmed that there were no objections.

The Board resolved unanimously that the advertisement requirements may be waived for the forthcoming DAP1 application for Phase 2 of the development.

Appeal Decisions

Technical officers presented a list of all appeal decisions which have been issued by the Minister in 2020 so far and provided a summary of such decisions, noting that all decisions and the recommendation of the Planning Inspectors are now available on the online appeal files. It was resolved that the Board would be provided with this list and technical officers will provide further details of specific case upon the request of the Board for further discussion at the next Board meeting.



Chairman of the Development Applications Board

Date 19 November 2020