



GOVERNMENT OF BERMUDA

Department of Planning

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Development Applications Board Minutes

Minutes of the meeting held on Wednesday, 28 April 2021 at 8:45 AM virtually via Webex.

PRESENT

Board Members:

Alice Lightbourne (Chair)
David Astwood
Dalton Burgess
Wayne Dill
Denis de Frias
Wendy Dunne
Shabion Postlethwaite
Josonne Smith (Bermuda Fire and Rescue Service)
Calvin Thomas

Technical Officers:

Victoria Pereira (Director of Planning)
Paul McDonald (Acting Senior Planning Officer)
Dolores Vazquez (Planner)

APOLOGIES

None

MATTERS ARISING AND ACTIONS FROM PREVIOUS MEETING

None

APPLICATIONS

1. P0193-21

Applicant: Hotelco SRB Hotel Ltd

Location: 34 Coot Pond Road
Town of St. George, GE03

Description of Proposal: Retroactive Relocation of Pool Bar, Alterations to Blocks A, B and C, Addition of Pool and Relocation of Pool Pump Room, Relocation of Pool Bar and Addition of Gift Shop, Replacement Package Waste Water System, New Golf Cart Parking Area in Place of Car Parking, New Golf Starter Building and Golf Bag Storage Facility, Additional Belco Sub-Station Room, Repositioned Service Access to Barry Road and Realignment of Boundary Wall, New Casino Entrance, Extended Beach Retaining Wall and Relocation of Beach Access Ramp.

Proposed Relocation of Public Parking to West of Fort Albert, Victoria Road.

Date Received: April 27, 2021

Planner: Paul McDonald

Discussion:

The technical officer presented the details of the submission. Ms. Anderson did not participate in the consideration of this application due to late attendance.

The Board queried whether the Department was aware that the retroactive works have been carried out.

Technical officers advised that this project has been subject to a self-inspection process by the developer and the retroactive works were identified during a site visit by the Acting Building Control Officer in March 2021. The developer was therefore advised that the revisions must be identified and an application be made as soon as possible.

The Board queried whether it has the authority to waive advertisement requirements.

Technical officers advised that the Board has such authority and a similar waiver has previously been issued for applications proposing emergency quarrying.

The Board queried whether the applicant could appeal if the Board chose not to waive the advertisement requirements.

Technical officers advised that such a decision could not be appealed.

The Board raised concerns over setting a precedent should it agree to waive advertisement requirements in this case.

Technical officers advised that this is considered to be a project of national significance, there would be significant financial implications should the project be delayed and, given the minor nature of the majority of the proposed revisions, any objections would be likely to be limited to the revised service access which is currently being assessed by the Highways section of the Ministry of Works and Engineering.

A Board member expressed his view that each case is considered on its individual merits, having regard to particular circumstances, and, on this basis, no precedent would be set.

The Board resolved to waive all usual advertisement requirements for this application.

2. P0020-21

Applicant: Thomas J Marshall

Location: 131 North Shore Road
Pembroke, BM HM14

Description of Proposal: Proposed Convert Existing Warehouse to Retail Outlet (Grocery Store)

Date Received: January 14, 2021

Planner: Dolores B. Vazquez

Discussion: The technical officer presented the application with a recommendation to refuse. Mr. Thomas declared a personal interest so abstained from involvement in this application. No questions or comments were posed by the Board.

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

1. The proposal is considered to be in conflict with APC.8(2) of the Draft Bermuda Plan 2018. The proposal is deemed an over intensification of the site, particularly as it relates to test (2)(c) the traffic generated by the proposal will not result in vehicle congestion, parking or road safety problems.

2. The operational minimum parking has not been provided in accordance with TPT.21 of the Draft Bermuda Plan 2018.
3. The proposed parallel parking does not meet minimum design requirements in accordance with TPT.25 of the Draft Bermuda Plan 2018.
4. The proposed intensification of the site does not allow for adequate facilities for parking, loading, unloading and turning of vehicles, in contrast to TPT.17 of the Draft Bermuda Plan 2018.

3. PLAN-0511-20

Applicant: Christopher Harris

Location: Lot 4 Paynter's Hill, East of 49 Paynter's Hill, St. George

Description of Proposal: Proposed New 3 Bedroom Dwelling Unit With Guest Suite, New Pool, Deck, Hot Tub and Pool Barrier Fencing With Gates (4 Ft Max Height), New Patio, Covered Porch, Pump Room, 4 ft. Max Height Retaining Wall, Rocks Cuts (6 ft. Max Depth) With Guardrail (3 ft. Max Height), New Driveway and 5 ft. Max Height Pillars, New Septic Tank and Borehole.

Date Received: November 24, 2020

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, 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. For the avoidance of doubt, the application site must tie into the Tuckers Point Club Waste Water Treatment plant and the building permit drawings must illustrate swimming pool backwash water sent to the Tucker's Point Club waste water treatment plant as per Section 3 (3) (d) of the Tucker's Point Resort Residential Development (Hamilton and St. George's Parishes) Special Development Order 2011: "no development shall utilize any well (as defined in section 1(1) of the Water Resources Act 1975) for water abstraction or for the disposal of swimming pool water, sewage, other effluent or grey water."
4. Prior to the submission of a building permit application an Excavation Management Plan must be submitted for review and approval to the Department of Environment and Natural Resources (DENR) given the site's location within a Cave Protection Area, which shall include:
 - details of exploration/investigative work e.g. drilling work (if any);
 - a method statement developed to minimize the risk of damaging caves during excavations;
 - a cave response plan detailing how all work shall stop in the area of the cave with commitment that Department of Planning and DENR shall be informed via email within ½ hour of exposing any cave; and
 - details of how said statement / plans of the excavation management plan shall be communicated to all contractors/ subcontractors to indicate their understanding and adherence to the method statement an response plan.

A copy of the Excavation Management Plan with confirmation of approval in writing from DENR must be submitted with the building permit application and must be adhered to during the course of construction.

5. The Department of Environment and Natural Resources shall be notified at least 1 week before any excavation will take place so that it can arrange site visits.
6. All excavations for the development shall be inspected by a Public Officer from the Planning Department and/or DENR-PCS once they have reached their maximum depth. Once the excavation has reached its full extent, no building formwork, setting rebar, or pouring concrete must take place until after the inspection. If the inspection reveals evidence of a cave, additional investigations or protective measures may be required, which may delay further work in the excavation.
7. If during construction a previously undetected cave is discovered, the applicant shall cease all construction operations and immediately contact the Department of Planning to re-evaluate building options and agree on a suitable course of action. Construction operations shall not recommence until the approved option has been agreed in writing.
8. In the interests of visual amenity, the entire site subject of this application shall be landscaped in accordance with the hereby approved CMP prior to the issuance of a Certificate of Completion and Occupancy. 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.
9. In the interest of visual amenity, the hereby approved walls shall be faced with Bermuda stone or rendered and finished to give the appearance of Bermuda stone, and completed prior to the issuance of a Certificate of Completion and Occupancy.
10. In order to provide for the safe flow of traffic, the average gradient of the hereby approved driveway shall not exceed 1 in 6 and no part of the driveway or private road shall have a gradient exceeding 1 in 5 in accordance with Policy TPT.10, Chapter 12 of the Draft Bermuda Plan 2018 Planning Statement. The said measures shall be implemented prior to the issuance of a Certificate of Completion and Occupancy.
11. In order to avoid the discharge of surface water onto the estate road, provision shall be made for the control and disposal of storm water within the curtilage of the application site. Such measures shall be provided prior to the issuance of a Certificate of Completion and Occupancy

ANY OTHER BUSINESS

The Acting Senior Planner advised that an additional meeting of the DAB is likely to be scheduled for next week, the date and time of which will be confirmed shortly.



Mrs. Alice Lightbourne
Chair of the Development Applications Board

Date 29 April 2021