

Development Applications Board Minutes

Minutes of a meeting held on Wednesday, 21 December 2011, at 8:45am at the 5th Floor, Dame Lois Browne-Evans Building, 58 Court Street, Hamilton HM 12.

PRESENT:

Mr. C. Musson (Chairman)
Mr. E. Lambert (Deputy Chairman)
Mrs. E. Lambert
Ms. L. Veney
Mr. L. Holder
Mr. A. Lee
Mr. E.G. Rothwell
Mr. A. Mapp
Mr. S. Tucker
Mr. R. Smith
Ms. C. Caesar
Mr. K. Bennett (Assistant Director Development Control and Administration)
Ms. C. Rickards (Senior Development Control Officer)
Mr. C. Brown (Planner)
Ms. S. Stains-Ramp (Planner)
Ms. C. Wright (Administrative Assistant)

APOLOGIES:

Ms. B. Samuels (off Island)

APPLICATIONS

1. *ASTWOOD, Mr. Voorhees*
Lot 5 Clarke's Hill, St. George's
Proposed Retroactive Application for Revisions to Approved Two Dwelling Units.

P0241/11 Type: **Final** Decision: **Approve**
Planner: Cory Brown

Discussion: The technical officer presented the application details to the Board. The Board resolved to approve the application; however, the Board had previously requested that mature vegetation be transplanted to the application site to alleviate any visual concerns given the retroactive nature of certain aspects of the development in particular the over-excavation of the site and partial three storey appearance. The Department agreed to speak with the Department of Conservation Services and determine the most practical method to achieve the desired landscaping results for the property and include within a condition of the approval of the application and advise the Board accordingly. The technical officer advised that Conservation Services suggested that increasing the pot size of the proposed planting would have a better chance of success given the location. The plans have been revised accordingly. The Board considered the revision acceptable subject to ensuring the planting was carried out in accordance with the plan.

The Board RESOLVED:

To approve the application, as received 12 May, 2011 and revised 25 August 2011 subject to the following condition(s):

1. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of the approved building operations an amendment to building permit B0797/09 must be made and approved.
2. 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 Use and Occupancy. Upon completion of planting the applicant shall call for a site inspection of the scheme by Conservation Services and the landscaping shall be fully approved by the Department of Planning before the Certificate of Use and Occupancy is issued.

3. The proposed retaining walls and backfill of the site must occur prior to the issuance of a Use and Occupancy Certificate.

Advice Note:

1. The Board wishes to express concern that the applicant has shown blatant disregard for the planning process in that development has commenced prior to planning approval.
2. The Board wishes to advise that further to Condition no. 1, in amending building permit B0797/09, a new permit application form must be filed outlining the full scope of works approved to date for the site. The payment of additional fees shall be required including an amendment fee, a retroactive fee, as well as fees for any new works and floor space approved beyond that of the original permit application.

2. *LEE, Mr. Charles*
Lot A Railway Trail, Southampton
Proposed New Drive Way (off of Railway Trail.).

P0398/10 Type: **Final** Decision: **Approve**
Planner: Cory Brown

Discussion: The technical officer presented the application details to the Board, advising that there had been a lengthy review of the application given the numerous attempts to negotiate a resolution between the neighbors due to the continued objection from the owners of 28 Railway Trail and the current use as parking for their property. The technical officer pointed out that a boundary dispute is ongoing and will be the subject of a civil case between the parties. As a result, any works that would immediately impact the boundary were requested to be removed from the application. Additional details were also required to ensure that the driveway is constructed to provide sufficient stability for the sloping property and will not adversely affect the neighboring property, inclusive of 8 feet retaining wall along the driveway with guard rail above. It was noted that an engineer's report and geotechnical survey will also be required to be submitted along with the building permit application. The technical officer advised the Board that in addition to the objection letters on the file, the objectors were notified of the receipt of the final set of revised plans and forthcoming recommendation of approval to the Board, and therefore submitted a final correspondence on the morning of the meeting indicating that they remain in objection to the proposal and would seek resolution as a civil matter. The Board noted boundary disputes and that any claim for long standing parking would have to be settled outside the planning process. From a land use planning point of view, the Board supported the technical officer's recommendation.

The Board RESOLVED:

To approve the application, as received 17 September, 2010 and revised 6 December 2011 subject to the following condition(s):

1. 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.
2. In order to provide for the safe flow of traffic, access details shall conform to the requirements of Policy TPT.11 of the Bermuda Plan 2008 Planning Statement and shall ensure that at the point of access onto the public road, sight lines for a minimum distance of 90 feet can be achieved in either direction from a point 6 feet back from the edge of the carriageway prior to the issuance of a Certificate of Use and Occupancy Permit.
3. In order to avoid the discharge of surface water run-off onto a public road, an estate road or any other property, provision shall be made for the control and disposal of storm water within the curtilage of the application site.

4. 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 Use and Occupancy Permit. Any trees or shrubs which are removed, which die or which become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.
5. In order to protect the lands with a conservation zoning, protective fencing no less than four feet in height shall be erected on western boundary, prior to the commencement of building operations, on the perimeter of the development area. For the avoidance of doubt, there shall be no storage of construction materials or equipment on the Conservation Area during the course of building operations.
6. In order to protect the visual amenity of the neighbourhood, 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.
7. The proposed grade levels and extent and height of rock cuts shall be strictly to the levels and heights shown on the approved plans. Prior to the first inspection at Building Permit stage, written confirmation from a certified surveyor shall be received to confirm that the site has been set out to comply with the approved heights and levels.
8. A geotechnical survey and engineers report must be submitted with application for a building permit.

3. *SANCHIN DEVELOPMENT LTD.,
24 Union Street, City of Hamilton*

Proposed Renovations and Additions to Existing Building (3 Storey Addition for Commercial Use).

P0070/11 Type: **Final** Decision: **Refuse**
Planner: Sheila Stains Ramp

Discussion: The technical officer presented the application and assessment, noting the reasons for the recommendation of refusal. The Corporation's representative on the Board added his comments and supported concerns regarding the parking provision and arrangement as proposed. The Board refused the application.

The Board RESOLVED:

To refuse the application, as received 11 February, 2011 for the following reason(s):

1. The proposal is out of keeping with the residential scale, massing and appearance by reason of its design and awkward relationship with the existing building, and as such does not satisfy Policy 3.21 of the City of Hamilton Plan.
2. The proposed parking negatively impacts the safe use of Union Street in that the design does not allow for on-site turn-around and requires reversing into the two-way street.

4. *ROSEBUD TRUST (WILLIAM COX),
Hawkins Island, Warwick*

(Final) Approval for Proposed Tourism Development to include Guest Villas, Guest Suites, Amenities and Services including Pool, Restaurant, Spa Facilities, Library, Lounges, Observation Decks, Beach Cabanas, Snack Bars, Reception, and Event Lawns, Catering and Staff Housing; Approval for Trail System in Nature Reserve, Conservation Management Plan (In Principle)

P0548/10 Type: **In Principle** Decision: **Approve**
Planner: Sheila Stains Ramp

Discussion: The technical officer presented the application and assessment, noting that final approval was recommended only on the proposed uses and works within the Tourism and adjacent Coastal Reserve zoned area while in principle approval only was recommended for the Conservation Management Plan and all uses and works within the Nature Reserve and adjacent Coastal Reserve zoned area, that the proposal within the Tourism zone was fully compliant, and that more latitude was allowed for Tourism-related accessory structures and uses within the Coastal Reserve.

Members of the Board asked questions about plans for pool water treatment and disposal of chlorinated water in particular; fire service to the island; and the scale of the tourism use. Further clarification was also sought on sewage disposal, disposal of soil from the site, and staff servicing of the tourist accommodation. A discussion regarding the appropriateness and the visual impact of the tower on the Guest Services building within the Coastal Reserve resulted in an acceptance of the proposal, and the Board supported approval of the application with additional conditions. Two additional conditions were agreed; one specifying what was granted in principle versus final approval; the other noting that there would be no approval of chlorination or other treatment of pool water that could negatively affect the marine environment in its treatment, use or disposal.

The Board RESOLVED:

To approve the in principle application, as received 24 December, 2010 and revised 8 December 2011 with additional information received 14 January 2011, 30 June 2011 subject to the following condition(s):

1. Final approval is granted for uses and works in the Tourism and adjacent Coastal Reserve zoned area as shown on the hereby approved site plan. In principle approval only is granted for uses and works in the Nature Reserve and adjacent Coastal Reserve zoned area, as shown on the hereby approved site plan, and for the draft Conservation Management Plan.
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. In order to avoid the discharge of surface water run-off onto a public road, an estate road or any other property, provision shall be made for the control and disposal of storm water within the curtilage of the application site.
4. In the interests of visual amenity, the development area within this site subject of this application shall be landscaped in accordance with the hereby approved plans, as appropriately phased, prior to issuance of a Certificate of Use and Occupancy Permit. Any trees or shrubs which are removed, which die or which become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted. The Conservation Areas shall be subject to a final Conservation Management Plan as per Condition 8.
5. In order to protect the Nature Reserve, no demolition, site clearance or building operations shall commence until protective fencing of a height not less than 4 feet has been erected along the boundary between the Nature Reserve and Tourism zones. All protective fencing shall be retained in place during the period of building operations and removed prior to issuance of a Certificate of Use and Occupancy Permit.

6. In order to protect the visual amenity of the neighbourhood, there shall be no deposition or storage of excavated material on site except as in accordance with the Demolition/Construction Management Plan.
7. Prior to the issuance of a Building Permit for any of the proposed development, an application for final approval of the Conservation Management Plan and trail system shall be submitted to and approved by the Development Applications Board. The first phase of the approved scheme shall be fully implemented prior to the issuance of the Certification of Use and Occupancy Permit.
8. For the avoidance of doubt, pool water will be not be chlorinated or treated in any manner that can potentially affect the marine environment in its treatment, use or disposal. Full details for any disposal or discharge of pool water shall be submitted with an application for a Building Permit.
9. For the avoidance of doubt, construction of Phase 1 guest accommodations shall take place either prior to or simultaneously with construction of accessory structures outlined as being in Phase 1. No Certificate of Use and Occupancy Permit shall be issued for such accessory structures prior to that for the Phase 1 guest accommodation structures.
10. A Construction Environmental Management Plan (CEMP) containing but not limited to comprehensive management plans for soil storage and conservation; demolition and construction waste management; excavated or chipped or mulch material stockpiling, use and disposal; holding areas/nurseries for site vegetation being relocated or plant material brought to the site; construction equipment and materials storage and staging; surface water management; and dust management shall be submitted to the Department of Planning for review and approval prior to the submission of a building permit.

Advice Note:

Having regard to the range of issues to be approved under Condition 7 above, the applicant is advised to submit the requisite information to the Department of Planning at least 60 days in advance of the submission of a Building Permit application.

_____ CHAIRMAN

_____ CONFIRMED