

**ELBOW BEACH (GOLF CLUB AND VILLAS, BELMONT HOTEL
PROPERTY, WARWICK PARISH) SPECIAL DEVELOPMENT
ORDER 1999**

BR 25/1999

DEVELOPMENT AND PLANNING ACT 1974

1974 :51

**THE ELBOW BEACH (GOLF CLUB AND VILLAS, BELMONT
HOTEL PROPERTY, WARWICK PARISH) SPECIAL
DEVELOPMENT ORDER 1999**

In exercise of the power conferred upon the Minister by section 15(2)(a) of the Development and Planning Act 1974, and all the powers him hereunto enabling, the following Order is hereby made:

Citation

1 This Order may be cited as The Elbow Beach (Golf Club and Villas, Belmont Hotel Property, Warwick Parish) Special Development Order 1999.

Interpretation

2 (1) In this Order—

"the Act" means the Development and Planning Act 1974;

"the Board" means the Development Applications Board;

"conditions" means conditions specified in paragraph 3(3);

"the development" means the development referred to in the planning application and more particularly described in the First Schedule;

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"Elbow Beach" means Elbow Beach Hotel and Development Company Ltd., a company registered under the Companies Act 1981 on 20 January 1994;

"the planning application" means the application for planning permission in principle for the development made by Elbow Beach numbered PLN:938/98 and dated 2 November 1998 as amended by the submission dated 3 March 1999 and the accompanying drawings numbered 14-A, 17-A, 19 and 21-A prepared by OBM Ltd. on behalf of Elbow Beach;

"reserved matters" means matters reserved for approval by the Board in accordance with section 23(8) of the Act in relation to the planning permission in principle granted by paragraph 3(1);

"the site" means the land described in the Second Schedule.

(2) Subject to sub-paragraph (1), any expression used in this Order that is also used in the Act has the meaning assigned to it in the Act.

Planning Permission

3 (1) Subject to the reserved matters specified in sub-paragraph (2) and the conditions specified in sub-paragraph (3), planning permission in principle is granted by this Order for the development of the site.

(2) The reserved matters referred to in sub-paragraph (1) are as follows—

- (a) the siting and site coverage of any buildings and the siting of any works;
- (b) the design, architectural detailing, external appearance and materials of any building and of any works;
- (c) the design and layout of the access to the site from Middle Road and Harbour Road, respectively, and the design and layout of all roadways, parking areas and footpaths;
- (d) the location, size and design of all private outdoor living spaces and communal open spaces;

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- (e) a landscape scheme prepared in accordance with paragraph 6.13 of the Bermuda Plan 1992 Planning Statement.
- (3) The conditions referred to in sub-paragraph (1) are as follows—
- (a) access to the site during all phases of construction and on completion of the development shall be restricted to the existing points of access from Harbour Road and Middle Road, respectively;
 - (b) access to the site from Ravello Garden Lane shall be restricted to emergency vehicles only and, for the purposes of such restriction, during all phases of construction and on completion of the development, a suitable emergency barrier shall be erected and maintained within the boundary of the site at the point of access from Ravello Garden Lane;
 - (c) the point of access from the site to Harbour Road shall be designed and bell-mouthed to the satisfaction of the Ministry of Works and Engineering in accordance with the standards specified in paragraph 8.7(1) of the Bermuda Plan 1992 Planning Statement;
 - (d) the point of access from the site to Middle Road shall be designed and bell-mouthed to the satisfaction of the Ministry of Works and Engineering in accordance with the standards specified in paragraph 8.7(1) of the Bermuda Plan 1992 Planning Statement;
 - (e) the junction of the access road to the site and Middle Road shall be designed and widened to the satisfaction of the Ministry of Works and Engineering to provide a waiting lane for traffic turning right from Middle Road into the site and sidewalks, and the cost of widening and improving Middle Road shall be the responsibility of the developer;
 - (f) all hard-surfaced roadways and parking areas, and the junctions of the access roads with Middle Road and Harbour Road, respectively, shall be designed and graded to drain, retain and dispose of all storm water run-off within the curtilage of the site, and to avoid any

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storm water run-off onto Middle Road, Harbour Road or any neighbouring property;

- (g) prior to the submission of the application for final planning permission, the applicant shall discuss and agree with the Director of Planning the number and the design of the on-site car parking spaces to be provided; and preference shall be given to the provision of below-grade parking wherever it is feasible taking into consideration the physical characteristics of the site;
- (h) the application for final planning permission shall include a design of the system to dispose of stormwater and sewage and such design shall be to the satisfaction of the Ministry of the Environment and the Chief Environmental Health Officer; and
- (i) the minimum setback of development shall be 30 feet from Middle Road and Harbour Road, respectively, as defined by paragraph 15.64 of the Bermuda Plan 1992 Planning Statement.

Saving

4 For the avoidance of doubt, it is hereby declared that nothing in this Order grants planning permission for any matters of development for which planning permission is required, apart from any matter for which planning permission has been granted by paragraph 3.

FIRST SCHEDULE (paragraph 2(1))

The Development

1. The development of the Elbow Beach Golf Club and Villas and ancillary facilities on the former Belmont Hotel site.
2. The demolition of some 130,000 square feet of floor space in the existing hotel building and sixteen ancillary buildings.
3. The construction of fifty villas in two-storey and three-storey buildings in the following configurations—
 - (a) 30 attached, self-contained townhouses with 15 ancillary lock-off suites;
 - (b) 10 detached, self-contained townhouses with 8 ancillary lock-off suites; and

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(c) 10 detached, self-contained villas with 10 ancillary lock-off suites.

4. The construction of a four-storey golf club-house with a professional golf shop, restaurant and 12 guest rooms.

5. The construction of a swimming pool.

6. The development of an internal system of roadways and associated parking areas, improvements to the junctions with Harbour Road and Middle Road, respectively, and a network of footpaths and private and communal outdoor living spaces, landscaped grounds and putting greens.

SECOND SCHEDULE (paragraph 2(1))

The Site

ALL THAT LAND in the Parish of Warwick having an area of 4.35 hectares (10.76 acres) shown outlined in red on Drawing number 14 accompanying the planning application.

Made this 1st day of April, 1999

Minister of the Environment