

PEMBROKE HAMILTON CLUB REDEVELOPMENT (MIDDLE ROAD) (WARWICK PARISH) SPECIAL DEVELOPMENT ORDER 2003

BR 5/2003

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

PEMBROKE HAMILTON CLUB REDEVELOPMENT (MIDDLE ROAD) (WARWICK PARISH) SPECIAL DEVELOPMENT ORDER 2003

The Minister of the Environment, in exercise of the powers conferred upon him by section 15(1) of the Development and Planning Act 1974, makes the following Order:—

Citation

1 This Order may be cited as the Pembroke Hamilton Club Redevelopment (Middle Road) (Warwick Parish) Special Development Order 2003.

Interpretation

2 (1) In this Order —

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

"applicant" means The Pembroke Hamilton Club;

"conditions" means conditions specified in paragraphs 3(3) and 4(2);

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

"planning application" means the application for planning permission for the development made by the applicant, numbered P0233/02 and dated 21st March 2002, and the accompanying drawings numbered AO1D, A03-A09 prepared by Entech Development Associates Ltd. and submitted on behalf of the applicant;

"reserved matters" means matters reserved for approval by the Board in accordance with section 23(8) of the Act in relation

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to the planning permission in principle granted under paragraph 3(1);

"site" means the land described in the Third Schedule;

"subdivision" means the subdivision of land referred to in the draft plan of subdivision application and more particularly described in the Second Schedule;

"subdivision application" means the application for planning permission for the draft plan of subdivision made by the applicant, numbered S0075/02 and dated 1st October 2002, and the accompanying drawing numbered SD01 prepared by Entech Development Associates Ltd. and submitted on behalf of the applicant.

(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 in principle

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 building, and the siting of any works;
- (b) the scale, height, design, architectural detailing, external appearance and materials of any building or works;
- (c) the design and layout of all access roads and parking areas; and
- (d) a comprehensive 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) the matters referred to in sub-paragraph (2) are reserved for the approval of the Board as part of the application for final planning permission;

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- (b) all access roads and junctions with the public road shall be designed in accordance with the requirements specified by the Ministry of Works & Engineering;
- (c) the proposed new access road from Middle Road to Stadium Lane shall be sited, designed and laid out in accordance with the specifications of the Ministry of Works & Engineering and with the approval of the Ministry of Education;
- (d) the applicant shall be responsible for all costs associated with the construction and on-going maintenance of the new access road from Middle Road to Stadium Lane;
- (e) prior to the grant of final planning permission, the applicant shall finalise negotiations and reach agreement with the Ministry of Works and Engineering on the following matters:
 - (i) the voluntary conveyance to the Bermuda Government of land along the south side of Middle Road required for improvements to the public road, including the provision of a right-turning lane, sidewalk and bus lay-by; and
 - (ii) the conveyance from the Bermuda Government to the applicant of the land required for the new access road from Middle Road to Stadium Lane;
- (f) the application for final planning permission shall include the provision of a dedicated access roadway from Middle Road to the property held by the Bermuda National Trust, and the details of this roadway shall be subject to the approval of the Bermuda National Trust;
- (g) prior to the submission of the application for final planning permission, the applicant shall review, in consultation with technical officers of the Department of Planning, all aspects of the design and layout of the proposed club house in order to reduce the overall scale, massing and visual impact of the building;
- (h) the planning permission in principle hereby granted does not include permission for the proposed encroachment upon the railway trail at the southern end of the new pitch (as shown on site layout drawing A010 dated September 2002), and prior to the submission of the application for final planning permission, the

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applicant shall redesign the layout of the development scheme to avoid any encroachment upon the Railway Trail National Park;

- (i) no pedestrian or vehicular access shall be provided from the Railway Trail to the site either during construction or on completion of the development; and
- (j) the applicant shall be responsible for resolving all legal matters associated with the closure of the existing access road to Stadium Lane and the provision of an alternative access road, and the applicant shall be responsible for all costs involved in the development, ownership and on-going maintenance of the proposed access road to Stadium Lane.

Planning permission to subdivide land

4 (1) Subject to the conditions specified in sub-paragraph (2), planning permission of the draft plan of subdivision is granted by this Order for the subdivision.

(2) The conditions referred to in sub-paragraph (1) are as follows:

- (a) an application for planning permission based on a final plan of subdivision shall be submitted for the approval of the Board;
- (b) the final plan of subdivision shall include the following details:
 - (i) the alignment of the proposed new access road from Middle Road to the sports club;
 - (ii) the alignment of the proposed new access road from Middle Road to the property held by the Bermuda National Trust; and
 - (iii) the boundaries of the land along the south side of Middle Road to be conveyed to the Bermuda Government for improvements to the public road, including the provision of a sidewalk;
- (c) the final plan of subdivision shall be based on an up-to-date survey of the property prepared by a registered land surveyor.

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Saving

5 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 paragraphs 3 and 4.

FIRST SCHEDULE (paragraph 2(1))

The Development

1. The demolition of the existing club house and the construction of a new five level, multi-purpose sports complex of approximately 41,000 square feet of floor-space for indoor sports and ancillary recreational activities.
2. The development of a dual purpose football and cricket pitch immediately to the east of the proposed club house.
3. The development of a new gas station with ancillary parking and courtyard with access from and to Middle Road.
4. The development of permanent on-site parking for about 150 cars and 70 cycles to the north and south of the new club house, and in the south-eastern corner of the site.
5. The re-grading, grassing and improved drainage of the existing playing field to the west of the new club house to provide overflow parking for 130 cars and 100 cycles.
6. A programme of road improvements and the development of a new network of roadways and access points, including:
 - (a) improvements to Middle Road including the provision of a right-turning lane, sidewalks and a bus lay-by;
 - (b) a new access road serving the club from Middle Road terminating at the car park immediately to the south of the proposed club house;
 - (c) closure of the existing access road to through traffic and the provision of a dedicated access from Middle Road to the property held by the Bermuda National Trust; and
 - (d) the development of a new roadway along the eastern side of Spice Valley Middle Road to provide access between Middle Road and Stadium Lane.

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SECOND SCHEDULE (paragraph 2(1))

The Subdivision

1. The creation of one separate lot of approximately 0.5 acres in the north-western corner of the site for the development of a new service station.

THIRD SCHEDULE (paragraph 2(1))

The Site

ALL THAT LAND in the Parish of Warwick having an area of 7.80 acres (3.16 hectares) shown outlined in red on drawing number A10D accompanying the planning application.

Made this 31st day of January, 2003

Minister of the Environment