

**LOUGHLANDS RESIDENTIAL DEVELOPMENT AND PAGET  
DAY CARE FACILITY (PAGET PARISH) SPECIAL  
DEVELOPMENT ORDER 2006**

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**BR 65 / 2006**

**DEVELOPMENT AND PLANNING ACT 1974**

**1974 : 51**

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In exercise of the powers conferred upon the Minister of the Environment by section 15(1) of the Development and Planning Act 1974, the following Order is hereby made:

**Short title**

1 This Order may be cited as the Loughlands Residential Development and Paget Day Care Facility (Paget Parish) Special Development Order 2006.

**Interpretation**

2 (1) In this Order—

"Act" means the Development and Planning Act 1974;

"applicant" means the Ministry of Works and Engineering and Housing;

"Building Official" has the meaning given in the Building Act 1988;

"Development" means the Development as described in the First Schedule;

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

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

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

**Planning permission**

3 (1) Subject to the conditions specified in subparagraph (2), planning permission is granted by this Order for the development of the site.

(2) The conditions referred to in subparagraph (1) are as follows—

- (a) an application for a building permit shall be submitted to and shall be approved by the Building Official prior to the commencement of any construction work;
- (b) the application for a building permit shall comply with the requirements of the Bermuda Building Code 1998 and with any directions given by the Chief Fire Officer in respect of fire protection and the Chief Environmental Health Officer in respect of public health;
- (c) the points of access from the site to South Road shall be designated and bell-mouthed to the satisfaction of the Ministry of Works and Engineering and Housing in accordance with the standards specified in paragraph 8.7(1) of the Bermuda Plan 1992 Planning Statement;
- (d) all hard-surfaced roadways and the junctions of the access roads with South Road 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 storm water run-off onto South Road, and any neighbouring property;
- (e) the application for a building permit shall include full design details of the internal road system and all matters relating to road drainage, gradients, sidewalk widths, road markings and shall be to the satisfaction of the Principal Highways Engineer in accordance with the relevant provisions of section 8 of the Bermuda Plan 1992 Planning Statement;
- (f) applications for any proposed wells or drainage systems shall be submitted to and approved by the Environmental Authority prior to the commencement of construction;

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- (g) each phase of the development shall be graded, soiled, grassed, planted and landscaped to the satisfaction of the Director of Planning within 45 days of the issuance of a certificate of completion and occupancy in accordance with the Bermuda Building Code 1998;
- (h) except for the commercial lot created under the Second Schedule, that portion of the site designated as a tourism development zone is hereby rezoned to a Residential 1 Development Zone (RSD1) that conforms to section RSD.10 of the Bermuda Plan 1992 Planning Statement;
- (i) the lot created under clause 3 of the Second Schedule (Lot 5) is rezoned from a tourist development zone to a Residential 1 Development Zone (RSD1) that conforms to section RSD.10 of the Bermuda Plan 1992 Planning Statement to permit the use of the Loughlands Hotel building as a day care facility. Social provisions shall apply to this zone;
- (j) agricultural and woodland reserve zonings on the site are to be preserved in their entirety;
- (k) the existing old Loughlands Hotel is a Grade 1 listed building due to its architectural and historical significance, and this listing shall be preserved under this special development order;
- (l) the proposals for the collection, treatment and disposal of sewage, and the collection of rainwater and distribution of potable water, shall be approved by the Government Hydrogeologist and the Chief Environmental Health Officer, and if necessary, any application for a construction permit for the proposed plant for collection, treatment and disposal of sewage shall be approved by the Environmental Authority in accordance with the relevant provisions of the Clean Air Act 1991;
- (m) following the issuance of a completion and occupancy certificate, no further development shall be permitted on any of the individual lots except as may be allowed by the rules of the residents' association, and in this context, "development" includes, but is not limited to walls, fences, satellite receivers, sheds, garages, stables, greenhouses, above ground swimming pools, additions to a residential building, the internal conversion of an existing building to create an additional dwelling unit,

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the use of a home for commercial purposes, a business or any other form of non-residential use and any other structure that may be listed in the rules of the residents' association; and

- (n) this special development order is for the benefit of the Bermuda Government and in accordance with any agreements and amendments thereto, as agreed between the parties.

**Planning permission to subdivide land**

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

(2) The conditions referred to in subparagraph (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 prior to the issuance of a completion and occupancy certificate; and
- (b) all utility services, including television relay cables, shall be placed underground prior to the completion of the development of any of the hereby approved lots.

**Saving**

5 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 paragraphs 3 and 4.

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**FIRST SCHEDULE (Paragraph 2(1))**

**The Development**

- 1 The development of residential units and a day care facility at the Loughlands property at 79 South Road, Paget.
- 2 Construction of 68 two-bedroom dwelling units, each having floor coverage of 1,236 square feet.
- 3 Construction of 28 three-bedroom dwelling units, each having floor coverage of 1,290 square feet.
- 4 Conversion of the existing Loughlands Hotel building to a day care facility.
- 5 The Development will be constructed and handed over to the Government in three phases.

**SECOND SCHEDULE (Paragraph 2(1))**

**The Subdivision**

- 1 The creation of 4 additional lots of land by way of subdivision of the site in accordance with the draft plan of subdivision giving rise to a total of 5 lots in all.
- 2 The creation of 4 residential lots (Lot 1 = approximately 1.22 acres; Lot 2 = approximately 0.84 acres; Lot 3 = approximately 1.85 acres and Lot 4 = approximately 3.00 acres, as shown on the attached draft plan of subdivision (Drawing A100A by Entasis Architecture).
- 3 The creation of a single lot (Lot 5) of approximately 0.56 acres for the conversion of the Loughlands Hotel building to a day care facility, as shown on the attached draft plan of subdivision (Drawing A100A by Entasis Architecture).

**THIRD SCHEDULE (Paragraph 2(1))**

**The Site**

ALL THAT lot of land in the Parish of Paget having an area of 7.47 acres shown outlined in Red on drawing number A100A by Entasis Architecture accompanying the planning application.

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Made this 21<sup>st</sup> day of July, 2006

Minister of the Environment